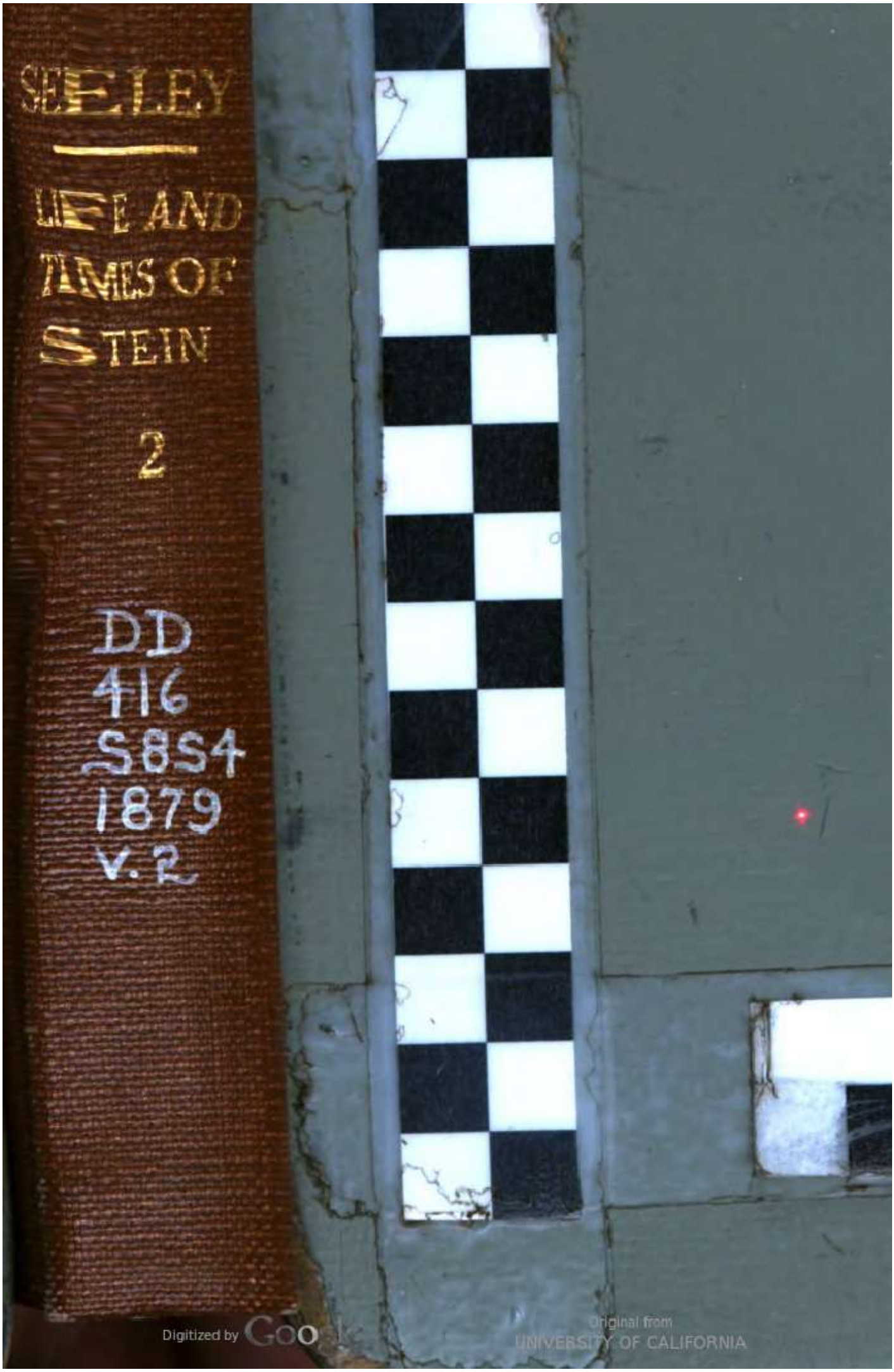

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LIFE AND TIMES

OF

STEIN,

OR

GERMANY AND PRUSSIA IN THE NAPOLEONIC AGE.

BY

J. R. SEELEY, M.A.,

REGIUS PROFESSOR OF MODERN HISTORY IN THE UNIVERSITY OF CAMBRIDGE.

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IN FOUR VOLUMES.—VOL. II.

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416

CONTENTS

OF VOLUME II.

PART III.

MINISTRY OF STEIN.—FIRST PERIOD.

(CONTINUED.)

CHAPTER III.

PREPARATION OF THE EMANCIPATING EDICT.

Reforms produced by need. Prussia not wanting in political thinkers. Kraus. Deliberations of the Immediate Commission. Memoirs by Altenstein and Hardenberg. Analysis of the latter. It suggests the Emancipating Edict. Refers to Altenstein's Memoir. Suggests a National Representation. The idea originally derived from Stein. What suggested it to him. The whole State to be called Prussia. How the King should treat Stein. Hardenberg on Schön and Niebuhr. Value of Hardenberg's Memoir. Dissension in the Immediate Commission. Niebuhr's discontent. A definite legislative project. Necessity of repairing the ruin caused by the war. Minister v. Schrötter's application. Report of the Commission. Draught of a law. Stein's comments. The Edict signed. . . . . 1—18

CHAPTER IV.

THE EMANCIPATING EDICT.

Reasons for calling it so. Partial account of it by Stein and Schön. Threefold character of the Edict. Danger to the peasant class of free-trade in land. The Edict provides against it. Peasant-proprietorship only introduced by Stein on the Domain Lands. Act of July, 1808. Ambiguity of the phrase "free-trade in land." Old Land-law of Prussia. Abolition of Caste. Old social divisions. Military object of the old system. How circumstances favoured the reform. A Magna Charta to the Prussians. Text of the Edict. Who were the authors of it. It was planned not by Stein but by the Immediate Commission. Schön's pretensions. Reasons for suspicion. The Abolition of Serfdom universally expected. Schön professes to have taken no interest in free-trade; but to have been the Apostle of Abolition. This is in-

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consistent with his own contemporary Report. Stein's reputation not concerned in the controversy. Nature of his contribution to the work. It is not confined to alterations in the text of the Edict. Rapidity of his action. 18—40

CHAPTER V.

STEIN'S POSITION.

Legislation not the most pressing need. Precarious position of Stein. Dangers from Napoleon and from the Prussian aristocracy. Stein's policy not understood at the time. Ignorance and indifference of public opinion. Stein compared to Chatham. Did he expect to hold office long? He is not mainly occupied in legislation; but in bargaining with the French. His long visit to Berlin. The Spanish Insurrection changes the whole prospect. Misfortune of Stein in September, 1808. Correspondence with Scheffner. The Court arrives at Königsberg. Family affairs. The state of Berlin described by Niebuhr. Condition of the learned world. Stein's relations with the King. Mediation of Queen Louise. The Queen's favour precarious. . 40—55

CHAPTER VI.

NEGOTIATIONS.

Daru. Napoleon to Daru. Daru's alarming proposal. Napoleon's intentions. His thoroughness not at once appreciated in Prussia. The object should have been to pay him as little as possible. The Czar's intercession. The French party of Berlin. Mission of Prince Wilhelm. He offers himself as a hostage. Stein on this act and on his projected visit to Berlin. What he risked. Daru's irritation. Meeting of Stein and Daru. Treaty signed but not ratified. Stein's financial expedients. Money raised on the Domains. Proposed sale of the Domains. This requires time. Niebuhr's mission to Amsterdam. Taxation. Income Tax. Demand for Parliamentary Institutions. . . . . 55—70

PART IV.

MINISTRY OF STEIN.—TRANSITION.

CHAPTER I.

THE SPANISH REVOLUTION.

Acts in the Napoleonic Drama. Fourth Act. The Continental System. Extra-European views. How to deal with Spain. Serious mistake of Napoleon. His objects. They require the expulsion of the Bourbons. Ostensible justification of it. Its failure has condemned it. The Spaniard's "not exhausted by political passions." An insufficient explanation. A state which is also a nation. The Spaniards united by religion; but also by nationality. Consequence of this. Extent of Napoleon's disaster. It is only superficially

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repaired. Beginning of the wars of *nations*. Turning-point in Stein's life. His own account of it. He begins to meditate war. Fichte's Addresses. They are an unconscious commentary on the Spanish Revolution. Likeness of Fichte and Stein. Account of the book. What is a Nation? Difference between patriotism and civic duty. Patriotism invincible. Fichte does not preach the unity of Germany. He admires the old Empire. His views on education. German culture resides in the middle class. The natural frontier of a state is its spiritual frontier. Closing exhortation. Three kinds of Revolution. The Spanish Revolution. . . . . 71—102

CHAPTER II.

STEIN AND INSURRECTION.

How Stein expected to shake off the yoke of Napoleon. His expectation disappointed. Austria preparing for war. Stein's predictions. Ideas about the way of rousing an insurrection. Prudence of the plan discussed. Scharnhorst's opinion. Stein's prevision of the Russian Expedition. Scharnhorst's plan of a Prussian rising. Stein's comments. The King depends on Russia. Shall the Ministers resign? Stein's position undermined. Intrigues of the Opposition. The French army to be recalled from Prussia. Napoleon's narrow escape in 1809. Importance of the fall of Stein. The Czar arbiter of the situation. Object of the Erfurt Congress. The Czar in Königsberg. Stein answers his arguments. The Czar leaves for Erfurt. Negotiations about the French evacuation. What position Prussia might have taken up. Napoleon's demands. Stein's report on them. His conclusion. Napoleon's calculations. . . . . 102—123

CHAPTER III.

STEIN AND THE TUGENDBUND.

Complete change in Stein's position. The risk he runs. Why he takes so extreme a course. Stein reputed the founder of the Tugendbund. The belief universal at the time. Quotation from Marwitz. Its inaccuracy. Stein's own account. His unqualified denial. Account of the Society. Its laudable intentions. Schleiermacher on the possible abuse of it. Niebuhr's opinion. Stein's disapproval explained. It is attested by the papers of the Tugendbund. Theory that he favoured it underhand. Schön and the anonymous "statesman." Other Secret Societies confounded with the Tugendbund. Schleiermacher's mission to Königsberg. His mysterious letters. The Secret Societies chiefly military. Niebuhr's alarm about Stein . . 124—141

CHAPTER IV.

MILITARY REFORM.

Great results of Scharnhorst's reforms. The fairest aspect of war. What was the old military system of Prussia? Two sorts of conscription. Partial conscription in old Prussia. Its demoralising operation. Gneisenau's remarks.

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Two possible reforms. Reasons for choosing universal conscription. Defensive character of Prussian wars. A citizen-army. Not a militia. More expensive than a militia. Less expensive than a voluntary army. The citizen-army is a short-service army. Hardenberg on the Army. His plan of reform. Abolition of exemptions and of brutal punishments. Henriette Herz on the reform. History of the Military Commission. Scharnhorst's hopes. The King's suggestions. Prince August's Memoir. The Commission on the King's suggestions. Ignorance of the officers. Scharnhorst's first Memoir. His Provisional Sketch of the Constitution of an army of Reserve. The Provincial Troops. They are not to be put through the standing army. Misinterpretation of his words. Relations of Stein and Scharnhorst. Criticisms of Stein and Schön on the Provisional Sketch. Secret Article of the Treaty of September, 1808. Scharnhorst Minister of War till 1810; afterwards Chief of the Staff; Scharnhorst's own account of his reforms. Summary. . 141—172

CHAPTER V.

THE INTERCEPTED LETTER.

The Moniteur for September 8th, 1808. Prints a letter of Stein to Wittgenstein. It arrives at Königsberg on the 21st; Niebuhr's remarks on it criticised. A correction of the text. Stein's prudence discussed. Assessor Koppe. Character of Wittgenstein. Plot of the Berlin party. Wittgenstein's connexion with it. Count Senfft's opinion. Serious object of the letter. Stein sees the Moniteur. He asks for his dismissal. Napoleon seizes the advantage. The new Convention; signed. The King's position. What he should have done. Public opinion in Prussia. Agitation in the newspapers. The beginning of political parties. The King ratifies the Convention. This step discussed. Stein at first not informed of the ratification. He repeats his opinion and request for dismissal. Memorial addressed to Stein. Rise of Continental Liberalism. Approaching fall of Stein. His legislation still remains to be described. York on Stein. The Perponcher Club . . . 172—198

PART V.

MINISTRY OF STEIN.—CONCLUSION.

CHAPTER I.

LEGISLATIVE REFORM.

Resemblances of the Stein-Hardenberg legislation to that of the French Revolution. Differences. The old regime of France and Prussia compared. Prussian Royalty. The Prussian nobles not sinecurists. Faults of the Prussian bureaucracy. It is less arbitrary than the French. Stein somewhat strengthens it, but at the same time lays the foundation of self-government. Prussian finance more respectable than French. Prussia's Protestantism politically an advantage. The peasantry reap some benefit from the military

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system. The transition made in Prussia without disturbance. Jena the one moving cause. Two series of reforms supplementary to the Emancipating Edict. Manorial system in Prussia. What is meant by the abolition of serfdom. Hardenberg's Edict of 1811, and Stein's disapproval of it. Domain Lands. The peasantry on them. Suggestion to give them proprietorship. Three schemes. Stein's report. He condemns the scheme of the Immediate Commission: approves that of Schrötter with modifications. Stägemann's opinion of the reform. Free-trade measures. List of monopolies abolished 198—216

CHAPTER II.

ADMINISTRATIVE REFORM.

Stein pauses in reform. His reasons. Administrative Reform waits for the departure of the French. Magnitude of the Administrative Reform. Chronological arrangement abandoned. The old administrative system. Review of its defects. The provincial and real systems confused. The War and Domains Chamber. The Landrath. Stein demands local liberties. His reasons remarkable. His Edict does not become law, but one substantially similar. His Reform of the Provincial Administration. Introduction to the former Edict. The Council of State. The Departments. The Council of State not realised. A different Council of State introduced by Hardenberg. The King's Privy Cabinet. Later changes in the Ministerial Departments. The Statistical Office. The Scientific Technical Deputation. Abolition of the War and Domains Chamber. Abolition of Administrative Justice. Remodelling of the District. Difference between Districts and Provinces. Stein's reasons for retaining the Province. Three Superior Presidents. Opinions against this office. What Stein had not time to do . . . 216—236

CHAPTER III.

MUNICIPAL REFORM.

How far Stein created popular institutions. Prussia and France begin liberty at different points. Stein hampered by want of time. Originality of the Municipal Reform. Municipal Government in modern France. Imitations of this in Germany. Maurer and F. v. Raumer on Stein's law. Dahlmann's opinion. Stein's creation and English municipal institutions. History of the Town in Germany. Cause of its decline. Two kinds of Town. Decay of the Prussian Towns. Why Stein began with the Towns. History of the Town Ordinance. Why Municipalities were favoured in Prussia and suppressed in France. Representation from the Aldermen of Königsberg. Stein generalises the scheme. Later stages of its progress. Royal Assent. Abstract of the Law. This Liberty not won by a struggle with Government. It resembles the Military Reform. Objections to particular points in it. Revised Law of 1831. Further changes after 1848 . . . . . 237—255

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CHAPTER IV.

STEIN'S RETIREMENT.

How did Stein fall? Delay in his expulsion and proscription. Clamour of the Berlin Opposition. Napoleon to Soult on September 10th. Secret Article in the Treaty directed against Stein. Mistake in it. French threats. Cause of Napoleon's hesitation. The Czar's interest in the matter. The King unwilling to part with Stein. Napoleon embarrassed by the Spanish difficulty. Stein charged with clinging to office. The charge unfounded. The Czar's advice. Stein proposes to enter the Council of State. The King gradually sundered from Stein. A proposed Proclamation on Reform. The King refuses to sign it. Stein asks for his dismissal. Napoleon's probable feeling about Stein. The Third Bulletin. Conduct of the French at Berlin. Petition in favour of Stein. Wittgenstein in trouble. The Countess Voss. Persecution of Schleiermacher, Wolf and Schmalz. The question of Stein's successors. The General Conference. Stein's functions to be divided between two Ministers. Schön and Count Dohna. Character and views of Voss. The King consults Hardenberg. Altenstein to be Finance Minister. Ministry of Dohna, Altenstein and Beyme. Scharnhorst remains. Complete failure of the new Ministry. Shall the King return to Berlin? Stein attacks Köckeritz. Attacks the receptions of the Countess Voss. Decides against the visit to St. Petersburg. Stein's resignation; Royal Assent to the Administrative Reform,

255—283

CHAPTER V.

STEIN'S PROSCRIPTION.

The Political Testaments of Hardenberg and Stein. Proposed Reform Proclamation. Its indications of further reforms. Difference between a Political Testament and the Reform Proclamation. The Political Testament. Scheme of a National Representation. Vincke's views on the subject. Decline of the Noblesse. A Parliament with two Chambers impossible in Prussia. Necessity of abolishing Patrimonial Jurisdiction. Scheffner's pamphlet. Stein hopes to maintain the noblesse. How far Stein's programme was carried into effect. What would have happened if Stein had not fallen. Noblesse to be declared in abeyance. Schrötter to be rewarded. Why Stein is not rewarded. Schön's Diary. A letter from Stein to Schön. How Schön regarded Stein at that time. Schön the writer of the Political Testament. Why Stein did not write it himself. Universal enthusiasm for Stein. General despondency after his fall. Meeting of Stein and Vincke. Stein's prospects. His dangerousness to Napoleon. Stein on his own fall. His arrival at Berlin. Davoust's inquiry after him. Napoleon's letters of November 16th. "Le nommé Stein." Napoleon's sound judgment. Stein a ruined man; but famous. His flight.

283—309.

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PART III.

MINISTRY OF STEIN.—FIRST PERIOD.

(CONTINUED.)

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PREPARATION OF THE EMANCIPATING EDICT.

It is not generally the spirit of progress, as is often imagined, which brings about great reforms in a country, but the pressure of need. Reforms are not undertaken because people have come to conceive of a higher degree of well-being than before, but because some trial has overtaken them under which their institutions break down. It was the bankruptcy and disgrace of the old régime in France that ripened the spirit of innovation there; in England the reform party was called into existence by the burdens which the great war left behind it; still more pressing and overwhelming was the need which opened the door to reform in Prussia.

Nevertheless great reforms, though seldom brought about simply by the spirit of progress, can hardly take place in a community in which the spirit of progress is not active. The pressure of suffering will find the community helpless unless it contains a sufficient number of active and vivid minds which are ready with the necessary suggestions, and have conviction and courage enough to take the responsibility of executing them. We have seen that Prussia

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CHAPTER V.

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The Political Testaments of Hardenberg and Stein. Proposed Reform Proclamation. Its indications of further reforms. Difference between a Political Testament and the Reform Proclamation. The Political Testament. Scheme of a National Representation. Vincke's views on the subject. Decline of the Noblesse. A Parliament with two Chambers impossible in Prussia. Necessity of abolishing Patrimonial Jurisdiction. Scheffner's pamphlet. Stein hopes to maintain the noblesse. How far Stein's programme was carried into effect. What would have happened if Stein had not fallen. Noblesse to be declared in abeyance. Schrötter to be rewarded. Why Stein is not rewarded. Schön's Diary. A letter from Stein to Schön. How Schön regarded Stein at that time. Schön the writer of the Political Testament. Why Stein did not write it himself. Universal enthusiasm for Stein. General despondency after his fall. Meeting of Stein and Vincke. Stein's prospects. His dangerousness to Napoleon. Stein on his own fall. His arrival at Berlin. Davoust's inquiry after him. Napoleon's letters of November 16th. "Le nommé Stein." Napoleon's sound judgment. Stein a ruined man; but famous. His flight. 283—309.

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MINISTRY OF STEIN.—FIRST PERIOD.

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was not ill furnished with men, and that adversity speedily produced its effect of bringing these men into power. It remains to consider what were their views and what they were prepared to recommend. What Stein had in his mind when he took the reins into his hands we have ascertained. On some great points we have seen his views clear and strong, but on other points we have seen reason to think that he had been outstripped by others who had had an opportunity of looking more closely at affairs since the beginning of the year, and who had taken a deeper impression of the public exigency.

Prussia was by no means in the condition of many despotically governed countries, which, owing to the jealousy and repressiveness of the government, are entirely devoid of political culture. While in Austria during the same period no one appeared who can be called a political thinker, in Prussia there was scarcely less political thought, though it was less widely diffused and was of a somewhat different type, than in free countries. Among the officials a great fund of reflexion on public affairs had been accumulated, and the mass had been quickened by ideas thrown into it by writers and University Professors. Mirabeau had nearly twenty years before elaborately criticised Prussian institutions and stated the case of political economy against Frederick; Kant's influence had extended to politics, and Kraus closed his career in this very summer. In 1797 Kraus wrote, "For the last six years, and latterly without any concealment, I have not only expounded the only true, great, noble, just and beneficent system, but have succeeded in possessing some excellent heads with it, for instance, a certain v. Schön, whom our Minister v. Schrötter has sent to travel, and my favourite Dohna Wundlacken;" and again in 1796, "Scheffner has a perfect right to say that the world has never yet seen a more important book than that of Adam Smith; assuredly since the time of the New Testament no work has had more beneficial effects than this will have if it should be more widely diffused, and more deeply

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impressed upon the minds of all who have to do with public affairs." In the July of this summer he wrote a memoir on "the means of procuring the money necessary for paying the French indemnity," and then on August 28th he departed this life.

Since the end of April, some of the most intelligent of these highly educated officials had been formed into a Council to deliberate on public affairs, under the name of the Immediate Commission. These at the beginning had been Schön, Niebuhr, Stägemann and Altenstein, but a considerable alteration took place when Hardenberg retired early in July. Niebuhr and Altenstein departed with him to Riga, and did not return when the Commission was erected into a sort of provisional government pending the arrival of Stein.

Although no report of the deliberations of this Commission is preserved, yet we are able to form some conception of the boldness and comprehensiveness of the suggestions which were laid before it. There exist two memoirs, both written at Riga and dated September 12th, 1807. The one is by Altenstein and is entitled, "On the Direction of the Government after the Peace;" the other bears the title, which however was not given it by the author himself, "On the Reorganisation of the Prussian State, written at the command of His Majesty the King;" it is by Hardenberg, and may be considered his political testament. The latter memoir, which has been printed at length, is founded upon the former, of which we have only extracts, and refers to it constantly; thus, as Altenstein acknowledges himself indebted for many of his suggestions to his friends Schön and Niebuhr, we may fairly regard Hardenberg's testament as the fruit of the Immediate Commission in its earlier form.

The first reflexion which this document suggests is that Prussia was not likely to perish for want of intelligence or breadth of view. Familiarity has not made these politicians blind to the faults of the State, nor details concealed prin-

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ciples from their view. They judge of the institutions among which they live with all the impartiality of historians, and recognize without hesitation the necessity of a comprehensive reform.

Hardenberg begins with a few prefatory sentences, of which the following is the most important. "The principal question of all is to what chief the execution (of the plan) is committed, and that unlimited scope both with respect to design and means should be given to such a leading mind, if only it is equal to the great task."

He then lays down some general principles, such as that there must be progress without violence or breach of continuity, that revolution is only hastened by blind resistance, that Napoleon's strength depends upon his connexion with the Revolution. Accordingly he declares the true guiding principle to be, Democratical principles in a monarchical government. To attain this object a league of good men must be formed, which must be like the Jacobin Club in all but its criminality, and in which Prussia must take the lead. The Great Elector took a similar course in his time, and no season can be more opportune than the present, when the State has suffered so great a change and must undergo a complete regeneration.

He then treats of the different departments of government, beginning naturally with Foreign Affairs. The country, he says, has lost its independence and is in serious danger of being annexed. He recommends a diligent preparation of strength and husbanding of resources, and a decisive abandonment of the policy of neutrality. The first object must be to relieve the country from the French troops. But the greatest circumspection must be used in dealing with Napoleon. We must not dispute with him, but on the other hand we must beware of cringing to him. And here Hardenberg has the courage to add, "I have it from a very sure hand that the King's letters to Napoleon were spoken of in Paris as "*les Elégies de Frédéric Guillaume.*" Prussia must never join the Confederation of the Rhine; that would be

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to assume the badge of slavery. We must recognize that we have been scandalously deserted by Russia, but we must remember the circumstances and influences which determined the Czar's conduct and not throw away her good will. Austria refused to help us, but unfortunately in 1805 we treated her in the same way or rather much worse. England did not help us promptly or energetically, but this was chiefly by our own fault. No Power but England can help us with money in time of war. A union with England, Austria and the minor Powers may again save Europe from bondage.

When Hardenberg passes to treat of internal affairs, he begins at once to lean upon the support of Altenstein. He speaks of social reform under the heads of the Noblesse, the Citizens and the Peasants. The Nobles must lose all monopoly of office, all exemption from taxation, precedence in eligibility to posts in Foundations, Knighthoods, &c. Here let the reader note particularly the following sentence. "The exclusive right of the Noblesse to the possession of so-called knightly estates is, as H. v. Altenstein has justly argued, so mischievous and so little adapted now to our times and institutions, that the abolition of it is absolutely necessary, as well as that of all other privileges which the laws grant to the noble as a landed proprietor." Of the citizens he says only the following: "The citizen class will gain by obtaining admission to all posts, trades and occupations, and it must in return renounce all privileges from which other classes have hitherto been excluded." What does he say of the peasantry? "The abolition of serfdom must be decreed by a law briefly and at once. At the same time the laws which prevent the peasant from passing out of the peasant class must be repealed. Our military system will not suffer by this if proper arrangements are adopted with respect to it. Their acquisition of property must also be facilitated either in respect of new purchases or buying up the rights of the landlord. To abolish the system of corvées is not necessary. Often it is not only not burden-

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some, but even more advantageous to the person who is subject to it than a money payment, according to the local circumstances.... It is further most necessary in order to raise the peasant class that the State should favour by an improved legislation the abolition of commonalties, of detrimental servitudes, of tithes in kind.... A precedent established in the peasantry of the Domains will have the greatest effect in the Prussian State, where there are so many Domains."

In these rapid sentences Hardenberg travels over the whole ground which was soon to be occupied by the Emancipating Edict of Stein. He suggests all that the Edict actually did, and in some places dictates the very form it should assume. When for instance he says that "the abolition of serfdom must be decreed briefly and at once" he points to just such a declaration as will be found below in the Emancipating Edict. It would however be very erroneous to say that the original contriver of the Edict was not Stein but Hardenberg. The memoir before us contains no doubt some original suggestions of Hardenberg's, but in this particular section he seems to follow Altenstein, for he prefaces it with the remark. "As H. v. Altenstein has treated of this important subject in a particularly noble manner, I assent to him with full conviction, and may be the more summary myself." Altenstein, as a Member of the Immediate Commission, which had examined the internal condition of the country while Hardenberg guided its foreign affairs, and as being fresh from its deliberations, naturally laid before him an inchoate form of that Edict which as soon as Stein arrived became law.

To us therefore, with that Edict in view, this section of Hardenberg's memoir is much more important than the rest of it. Nevertheless we must not overlook what follows, that we may not fail to realise how bold, free, and comprehensive were the plans of reform which at this crisis found favour even with veteran politicians.

The next section is entitled, "Restoration of the con-

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nexion between the nation and the government." It refers to a scheme of a National Representation which has been proposed by Altenstein and which it pronounces to be "good and appropriate, and not of the nature of a dangerous National Assembly." We learn that Altenstein had proposed the amalgamation of a certain number of representatives with the different administrative Departments. In this way the advantages of the representative principle were to be obtained without incurring its dangers, for the government would obtain the support of a popular vote, yet would not have to contend with an organised popular body. This is perhaps the first proposal of representative government that was made in modern Prussia, and it becomes particularly interesting here when we inquire with whom it originated. Was it suggested to Altenstein at the Immediate Commission by Niebuhr or Schön? Altenstein tells us expressly that he derived the idea from the Minister vom Stein. We may have noticed Stein's significant opening of his "Representation of the Faulty Organisation," &c. (vol. I. p. 202). "The Prussian State has no constitution; the supreme power is not divided between the Sovereign and the representatives of the nation . . . as it has no political constitution it is all the more important that its governmental constitution should be formed on correct principles." Through these words may be discerned a yearning after constitutionalism, which, considering that the words were Stein's, is much to be noted. What should lead an official of Frederick the Great to hint at a constitution, unless indeed he were infected with the doctrines and language of the French Revolution? No one was less so than Stein, and it appears that these expressions are really, as we should guess, not mere loose allusions, but point to a definite opinion and plan which Stein holds in reserve. As a financier he had been struck with the complete inelasticity of the revenue, which indeed had been set in a strong light by the recent war. Why had the fortresses been found so deplorably unprepared? Simply because the revenue had for some years

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yielded no supplies which could be applied to the fortresses, and however great the necessity might be, there was no resource. What the State evidently wanted was a budget founded upon the actual wants of the country, not merely upon the traditional rights of the crown. It was in studying how to introduce such a financial system that Stein had convinced himself of the necessity of appealing to the representative principle. The kings of Prussia could no more raise taxes arbitrarily than the kings of England; their absolutism was complete so long as their domain lands and recognized dues furnished them with money; but if they were to cope with a Napoleon and rival his scale of enterprise and expenditure the first requisite was an elastic revenue, and for this purpose it would be necessary to take the subject into counsel, though it was still thought possible to dispense with a formal Parliament.

The next section is entitled, "Restoration of the freest possible use of their powers to all classes of the subjects." Under this head is included Abolition of the Guilds—"perhaps not at once but by degrees, as H. v. Altenstein describes it"—and of Monopolies as far as possible.

Then comes a short section entitled, "Abolition of all cushions for idleness."

Hardenberg then declares that though uniformity is not to be pushed too far and violence is not to be done to the peculiarities of the different provinces, yet he would not retain the administration by provinces. "Let the whole State be called Prussia. In this name let the Prussian proper, the Pomeranian, and the Brandenburger be merged." He closes his remarks on Internal Reform with an emphatic declaration that he agrees with H. v. Altenstein in thinking that only a radical cure of our constitution can give secure new life to our State. There must be no half measurers. The execution must not be committed to a host of complicated Commissions. A few men of insight must conduct the whole. There follow elaborate chapters on Military Affairs, on Internal Government, on Finance, or

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ligion, on Justice, on the Mode of Conducting Business. From these it will not be desirable to transcribe extracts here.

On Sept. 12th Hardenberg wrote in his diary,

Terminé l'ouvrage auquel j'ai travaillé tout le temps depuis que je suis ici, pour donner au Roi mon avis sur la réorganisation de la monarchie. Altenstein a donné son avis systématiquement et d'une manière très circonstanciée après que nous fûmes convenus des principes. Niebuhr a dit le sien sur les objects de grande finance. J'ai mis la plume à la main les premiers jours du mois d'août.

In sending his memoir to the King he accompanied it with a letter, from which I extract one paragraph.

The Minister v. Stein has, as I expected from his patriotism, obeyed unconditionally your Majesty's summons. Be pleased to give him your confidence completely and express it warmly. It will be absolutely necessary to him if he is to attain that high goal which your Majesty has set before him. With the character he has it will enable him to do his part to you and will secure his attachment, and your Majesty will thereby the better paralyse the cabals against him. Listen to all that is said of him, but let nothing come between him and you; speak to him always directly and immediately and give him to understand your opinion, your will, ay, your displeasure. That has the best effect upon a man of uprightness, of frank spirit, and high sense of duty and honour, and it strengthens confidence.

He then mentions the names of other public men whom "without forestalling the judgment and proposals of the Minister v. Stein," he desires to recommend to the King from personal knowledge. These are first Altenstein, who continues always Hardenberg's chief personal adherent; next Schön, of whom he says that "he possesses the noblest economical acquirements, both theoretical and practical, trained by travel and careful study of foreign countries, and also strict morality." "He is rough in appearance," he adds, "but has delicate feelings, and devotes himself to what is good without personal regards; he is very active, and works easily and quickly." Then he speaks of Stägemann, and next of Niebuhr, as "a man of the rarest and

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most extensive learning, and with a very deep and practical knowledge of trade and currency. He is in every respect one of the purest and noblest characters; pity that his health is so weak! He may be thoroughly trusted with everything which he will undertake, remuneration must be pressed upon him."

Surely a very noble political testament! If indeed we supposed its chief suggestions original, it would entitle Hardenberg to be considered the inspirer of almost the whole legislation to which Stein's name was soon to be attached. The evidence however is clear that he was not this, but only the first statesman who welcomed and approved the scheme of reform designed in the Immediate Commission. But to welcome and approve so warmly so daring a plan was in itself no inconsiderable public service; and at the same time that he gave so advantageous an introduction to the reform, he performed the same service still more signally to the reformer. All along we have found Frederick William hampered by his want of the sense which discerns great capacity, perhaps also by his want of the courage to trust himself to great capacity. In the midst of his disasters, however, he had had the good luck by the help of the Czar to discern in Hardenberg a minister not wanting in intelligence or trustworthiness or courage. But Hardenberg was obliged to withdraw just at the moment when tasks awaited the Government to which it is doubtful whether even he would have been equal. At this crisis therefore nothing could save the State but a greater effort of self-control and docility on the part of the King than he had yet been required to make. Either he must commit himself again to the fatal guidance of the Lombards and the Beymes, or he must confide in one who was not even, what Hardenberg was, a courtier, in a man of imperious manners, inexorable firmness, and indefatigable energy. Yet this person seemed in himself better fitted than Hardenberg for the work of reform which Hardenberg himself saw to be necessary. It was one thing to acknowledge its necessity,

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to discern the course it should take, and another thing to have the courage to attempt it and the spirit and ascendancy to accomplish it. For such a task there was needed a man of the type of the old Hohenzollerns, and no one questioned that Stein had this type. But the King had already shown how much it cost him to submit to Stein's masterful bearing; he had struggled with a mixture of anger and terror against the yoke, and Stein might have quoted to himself—only he had not yet read Faust—"er fühlt, dass ich ganz sicher ein Genie, vielleicht wohl gar der Teufel bin." If this difficulty was overcome, if Frederick William for once in his reign admitted a Minister not merely able but great, if a new chapter in the great destiny of Prussia began at this point, it is fair to attribute the result in great part to the generous and impressive appeal to the King's best feelings with which Hardenberg smoothed his successor's way to office.

It is now time to trace the steps by which large views of reform such as Hardenberg's memoir displays became converted into definite acts of legislation.

We have traced these plans very clearly to the Immediate Commission in the form which it had before Hardenberg's retirement. This would lead us to give the credit of them to four men, Altenstein, Schön, Stägemann and Niebuhr; were it not that another fact here claims our attention. We discover that there was dissension on this Board. Niebuhr was much discontented with the Commission. Writing to Schön from Riga, July 17, 1809, he says: "Towards the Commission too I feel no inclination, no confidence that anything clever will come out of it; and I am sure your feeling is the same. A number of voices is only good where they are in harmony; the devil take the concert where two or three bagpipes drown the flutes." And he goes on in language already quoted to insist on the necessity of a dictatorship. But so far it seems to be only as an administrative, not as a legislative Board that his criticisms apply to it. In a letter to Stein, also quoted above, there drops out,

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in the midst of similar language, a hint of a different kind of difficulty, which, as we shall soon see, he was not likely to mention to Schön. He says: "Innovations are in contemplation, with regard to some of which I do not feel myself sufficiently acquainted with the particular case, while on others I am entirely unable to form a judgment;" and he adds that he could not sit longer on the Commission without quarrelling with friends, "since their principles are often really too monstrous, and the consistency with which they apply them more appalling still." The reference to "monstrous principles" leads us to think that the scheme of legislative reform which found favour with the majority was disapproved by Niebuhr, and the expressions he uses indicate in some degree the nature of his disapprobation. He objects to the ruthless application of theoretic principles, which in themselves he thinks of as not exactly erroneous, but rather too terrible to be true. When this tone is taken it is easy to guess that political economy is pointed at, and the conjecture is confirmed when we remember that of the three men Niebuhr may have in view, one, Schön, was a fanatical disciple of the economist Kraus.

But what was the particular economical discussion which had been raised at the Board? I imagine that within the time during which Niebuhr attended its meetings the controversy had not actually broken out; he himself speaks of it rather as one which he expects than as one which has already commenced, and Schön, who has left reminiscences of those meetings and dwells particularly on the impression made on him by Niebuhr, knows nothing of any controversy between Niebuhr and himself. Indeed we can understand that plans of legislative reform would not begin to be seriously or formally discussed until the Treaty was signed, though they might be ventilated earlier, and when this had happened Niebuhr and Altenstein had already been separated from their colleagues of the Commission. It is in fact on the morrow of the Treaty of Tilsit, at the beginning of that interregnum between Hardenberg and Stein,

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when the Immediate Commission was reconstituted as a kind of Provisional Government, that such large legislative views as we have found in the memoirs of Hardenberg and Altenstein begin to make way for a definite legislative project, and that the outline of a law begins to appear. It is evident that when the conqueror was gone again and the King and his officials were left alone with their ruin and with their Treaty which was no Treaty, reforms would begin to seem ten times as urgent as they had seemed while there was still a war to be conducted. It was not merely that the disasters of the war had opened the eyes of public men to abuses which had grown up among them; it was not that they hastened to take measures by which such disasters might be prevented from occurring again. Not so much foresight as this was needed. The question was at once simpler and more urgently pressing; it was how to assist the landowners, over whose fields the war had raged and who now found themselves ruined by its devastations; or, if they could not be assisted, how to prevent the cultivation of the country from falling into a condition of permanent decay like that which had been witnessed in Poland. For a moment the Government thought only of exceptional measures of relief—subsidies, exemptions, indulgences—such as may be employed in a province suffering from a bad harvest or a cattle-plague. But very speedily it was perceived that more than this was called for, and further that even if such exceptional relief would have been sufficient it could not be given, since the disaster had not fallen upon some districts only, though some districts had suffered more than others, but upon the whole country, and the Government, impoverished itself, was in no condition to help individuals. As soon as this was perceived, not only did it become necessary to inquire of political economy what means there are of increasing the wealth of a whole nation at once, but other reforms, less obviously adapted to the immediate need, were now, because they had already ripened before the disasters began and were only awaiting

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their season, eagerly carried into effect. Free trade in land belonged to the first class; the emancipation of the serfs to the second.

It is said that a definite proposal for the abolition of hereditary serfdom was laid before the Commission by Privy Councillor Wilken as early as July 11th, only a week after the signing of the Treaty; and on the 20th the Minister for the Province of Prussia, v. Schrötter, made an application which brought the true problem of the hour immediately under the consideration of the Government: it was an application for help towards the restoration of ruined buildings and of the supply of horses and stock within his province. He seems to have proposed to meet the immediate need by the purchase of two or three hundred cows in Courland. The report of the Commission on this application was not sent in till August 17th, but in the mean time other voices, in particular that of Morgenbesser, a friend of Kant's, then President of the Provincial Court of Law, were raised for the abolition of serfdom.

The Report of August 17th is now before us; as the composition of Schön, it has been printed among his Remains, and I insert here an abstract of it.

It begins by mentioning that the King had resorted to a subsidy of 50,000 thalers for the distressed province, besides granting to some of the inhabitants the liberty of gathering wood in the Royal Forests. It then points out that there are two ways of restoring a distressed district, viz. to help individuals, or to apply general remedies: that the first method, which the Government has adopted, would certainly increase pauperism if it were adopted in a workhouse, and can only be approved as a momentary expedient. It should be limited to the bare preservation of life; for instance, meal might be given, but not stock; to give wood was still worse, for it would foster a belief already too prevalent that it is the part of Government to make grants of wood. Measures of this sort can only lead to disappointment and discontent, and they will impair the energy of self-help, which is weak enough among us already. All that Government can do is to remove hindrances to self-help, or in other words to repeal earlier regulations, and it is fortunate that the province of Prussia has suffered less than other provinces from the mercantile system, that it is not full of artificial industries and has actually not more persons engaged in manufactures and trade than the state of production requires.

It is agriculture, not trade or manufacture, that is seriously distressed.

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The landowner has lost the greater part of his capital, his stock, and in many cases his buildings. It is therefore the business of Government to remove any hindrances that may prevent the landowner from replacing his lost capital. Are there such hindrances? There are two standing hindrances, (1) limitation of the right of owning land, (2) limitation of the right of alienating it.

The first limitation may have had its political use in past times, but evidently at the present moment it injures, instead of supporting, the noblesse. A landowner who cannot restore his estate for want of capital and credit must wish to sell it. This particular province has a larger middle class than any other province of the Monarchy, and in the middle class there is plenty of capital. But they cannot purchase because they have not the right of owning noble land. Meanwhile those who *have* this right, *i. e.* the nobles, cannot purchase because they want all their surplus capital for the restoration of their own estates. Drop this limitation, and the estate that its owner cannot restore will be restored by some one else; production will be as great as before; and all estates will retain their value and their credit. Frederick the Great saw the truth of this principle when he occupied West Prussia. There too capital was wanting, and he dropped the limitation. But now he who has an estate has no capital, and he who has capital is not allowed to have an estate.

Limitations on the power of alienation operate of course in the same way. They lower the value and credit of estates. The possessor of an estate under settlement or a fief cannot alienate, and can only mortgage with the consent of other interested parties. Cultivation is reduced to a low level and, whatever compensations individuals may receive, the State suffers in diminished production.

A third hindrance, continues the Report, is the regulation which interferes with the internal management of an estate by providing that the number of peasant holdings upon it shall never be diminished. It is supposed that the maintenance of our army requires this regulation. But it would not be so if serfdom did not exist. As the Government allows its subjects to become subjects of subjects, it is obliged, in order to compensate for this deviation from rule, to make itself guardian of these deserted ones. At any rate, the value of estates is now lowered by the obligation which lies upon the owners to work them on a system which is not the most profitable, and practically it will now be found impossible to restore all the peasant holdings.

Another hindrance—and this is the most important point of all, were not the discussion already exhausted—is hereditary serfdom. The present moment is peculiarly favourable for laying down the rule that all serfdom be abolished within four or six years at furthest. It is so, first, because the change will not at this moment leave any landowners without labourers except those who are bad masters and therefore deserve to be without labourers, since at this moment the supply of labour exceeds the demand; secondly, because we can compensate the owners for the loss of services by giving them unlimited freedom in the management of their property: thirdly, because in this particular province serfdom excites more discontent than elsewhere, since the serfs here compare themselves with a large population of free peasants, *e.g.* on the Royal Domains, where serfdom has been abolished in this province since the time of Frederick

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William I., and also because serfdom has just been abolished in the Duchy of Warsaw, which is contiguous to the province on two sides. Thus policy as well as morality demands the change, that the loyal may not be worse off than the disloyal.

So far the Report has pointed out hindrances to restoration inherent in the existing constitution of the country. In addition it remarks that a new hindrance may be created in a hasty attempt to remedy the evil. A General Indulgence had been promulgated, by which the landowners who had suffered from the war were protected from their creditors. It might be supposed that it was intended to apply only to such debts as had been contracted before its publication; but this was not clear; and the Report points out that while such an Indulgence was in force no man who had money to spare would lend it to a landowner, and that the State by its well-meant interference had actually destroyed the credit of the class it intended to protect. The General Indulgence might be admissible during the war, but ought to be abolished as soon as possible after the return of peace.

The general recommendations of the Report are therefore, besides the speediest possible withdrawal of the Indulgence, as follows:

Abolition of what may be called the *status* of noble land, and along with this equality of rights to every landowner without regard to his birth.

Discouragement of all restrictions of the right of alienation by *majorats*, feudal tenures, &c.

Abolition of the regulation making the number of peasant holdings incapable of diminution.

Abolition of the menial services rendered by serfs. These are distinguished from the agricultural services which are the consequences of the possession of a holding or a house, and have nothing to do with serfdom.

In this important report, sent in six weeks before Stein's arrival, we have the substance of the Edict of October.

On the very same day the Minister v. Schrötter also reported. His recommendations were to the same effect, and seem to have gone even further in the direction of Free-trade. He fixes Martinmas, 1810, as the moment of the ceasing of serfdom, a date which we find adopted in the Edict; he recommends that an attempt should be made to raise a foreign loan, and accompanies this recommendation with a paper on the subject by Professor Kraus; and he gives it as his opinion that the Province will scarcely bear more taxation.

On August 23rd the King commissioned Minister v. Schrötter and his brother to make the draught of a law founded on these proposals. The draught was sent in

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early in September, and was again discussed in the Immediate Commission. Here it was completely remodelled, and at the end of the month it was laid before the King in its new form accompanied with remarks by Beyme.

Not till this point does Stein appear among the legislators. On reading the draught he wrote the following observations, which bear date the fourth day after he had received his powers.

This Edict grants to the Landowner the free use of his territorial property and to the cultivator (Landbauer) competence to use his power in freedom. It is very beneficial, *and must be extended as soon as possible to the whole Monarchy*.

There is but one legal limitation of free disposition of landed property which must be allowed to remain; it is that which restrains the covetousness of the rich and educated class and hinders the absorption of peasant land in manorial farms. This will be the more necessary because the free-trade in land allowed in § 1* will multiply alterations with the change in ownership and the rise of the value of land will more and more tempt the new proprietor to seek his advantage.

The inconvenience arising from keeping up too small peasant holdings is avoided by the permission given in § VI. to consolidate holdings; the limitation in favour of the peasant class will therefore work for good only, and all inconvenient consequences from it are done away.

It is feared that the limitation in favour of the peasant holdings will hinder the restoration of the peasant holdings ruined in the last war; to prevent this it will be necessary to insert in § VI. of the Law the provisions suggested by Privy Councillor Stägemann August 15th, and thus to encourage the putting to use the holdings devastated in the last war.

STEIN, October 8th.

On the same day he had audience of the King, and sent the following instructions to the Commission:

The King's Majesty has been pleased in to-day's audience to decree that:

The Edict be extended to all provinces of the Monarchy, since the principle of the free use of person and property is equally applicable to all provinces and beneficial to all alike;

That the consolidation of peasant holdings with manorial farms is indeed admissible with the sanction of the Chamber, but that each Provincial Department must draw up and deliver to them an instruction, enumerating the cases in which such a consolidation may take place.

* See the Edict given below, p. 27.

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I gather that this last provision (see Edict § VI, last clause) is that which Stein refers to above as having been suggested by Stägemann.

Thus was prepared a Legislative Edict which accomplished a great social and industrial revolution. On the next day it was signed by the King and delivered to the two Schrötters for publication. And now let us turn our attention to the document itself.

CHAPTER IV.

THE EMANCIPATING EDICT.

I CALL by this name the great Edict which was signed on the 9th of October, *i.e.* only five days after Stein had received his powers, not solely because it contains the provision that from a certain date there shall be only free persons in the States of the King of Prussia. It is indeed to be remarked that the principal authors of the measure are so intoxicated with the pride of being the bestowers of freedom upon bondsmen, that they forget to remark how much more and how many other emancipations they accomplished by the same act. Stein's own account of the Edict of October runs as follows:—

The measures adopted to reach the above-mentioned general object were:

(1) Abolition of personal serfdom in the Prussian Monarchy: by an Edict of October, 1807, it was decreed that from October 8th, 1809 (*sic*; it should be 1810), personal serfdom with its consequences, especially the very oppressive obligation of menial service, should be abolished; but the obligations of the peasant, as far as they flowed from his possession of property, remained unaltered. It was reserved for the Chancellor Hardenberg's love of innovation (on the advice of a H. Scharrenweber, a dreamer who died in a madhouse at Eberbach in 1820) to transform in 1811 the relations of the landlord to the peasant class, and its inner family relations in a manner pernicious to it; in this I had no share.

(2) The transformation of the peasants on the Domain in East and West Prussia into free proprietors.

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Here not a word is said of any changes made by the Edict of October except those which affected the peasant. It is the same aspect of the Edict which interests Schön. This Edict, he says, "has made the figure of the king stand higher, since he is henceforth no longer a king of slaves, but of free men." And again:—

> Thus came into existence the law of October 9th, 1807, that Habeas Corpus Act of our State. The idea of freedom had begun to live. With ninety-nine hundredths of the people it made a deep and elevating impression; the few friends of slavery intrigued and murmured no doubt a good deal, so that according to Rhediger's story a prejudiced man said at the Berlin Casino after reading the law, "Rather three Battles of Auerstädt than such a law!" But the King stood firm, and God maintained the right.

In stating pretty strongly his claims to be considered the real author of the law, Schön uses language which shows that he is thinking almost exclusively of this part of it. "All else that I did in life," he says, "was as nothing compared to calling into life the idea of freedom." Only from one casual expression do we learn that he even knew that the measure had another side, where he says, "I represented that hereditary serfdom, that scourge of our country, must be brought to an end, and that a proclamation of free trade in landed property would be sufficient to promote material interests."

Here we are suddenly introduced to something quite new and very different from the abolition of serfdom, namely, free trade in landed property.

Up to a certain point it is true that these two things coincide. One part of the burden of serfdom lay in the incapacity of the serf to alienate his land; but this is a small matter. The proclamation of free trade in land affected all classes of society at once, and the upper and middle classes much more than the peasantry. When therefore we observe that the Edict of the 9th of October, at the same time that it abolished personal serfdom, removed all the principal restrictions that interfered with traffic in land, we see that it

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is in fact not a single law but two laws in one, and two laws of such magnitude that each by itself might be considered equivalent to a social revolution.

But when we look closer still we discover that the Edict goes even further, and should be rather described as threefold than as twofold. Englishmen are only too familiar with the notion of a depressed class of agricultural labourers, but such depression may be of two kinds and may spring from two very different causes. We are not to suppose that the peasantry of Prussia were in a condition resembling that of our own labourers any further than as it was bad. The evils afflicting the Prussian peasantry were those arising out of *status;* those which afflict English labourers arise mainly out of contract. The English labourer is nominally free, and at liberty to carry his industry to the best market; he is reduced to real dependence by his inability to make a favourable bargain for himself. The Prussian peasant was nominally a serf, but in reality some very important rights were secured to him. We are not to suppose, for instance, that cruel punishments were allowed, or that he was subject to the caprice of the landlord. He was far more of a proprietor than the English labourer, for, though on a degrading tenure, he did for practical purposes own land. Nor were his interests neglected as those of a freeman, who is supposed able to take care of himself, may be neglected. Not only was he a member of an ancient and organized village community, but the Government also took and was obliged to take the greatest possible interest in his class, for these serfs were neither more nor less than the Prussian army.

Now it might very plausibly be maintained that the proclamation of free trade in land would not create a happy peasant class, but would simply substitute for a peasantry labouring under certain evils that class of famished drudges whom we know in England, and who if they cannot be called serfs can still less be called peasants, for a peasant properly so called must have a personal interest in the land,

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Hence the conservative opponents of Stein, such as Marwitz, actually declare that there existed no slavery or serfdom in the land when he professed to abolish it, but "that it then for the first time began to appear, namely, the serfdom of the small holder towards the creditor, of the poor and sick towards the police and the workhouses;" and again, "that with the proclamation of free trade disappeared the previous security of the peasantry in their holdings; every rich landowner could now buy them out and send them off — fortunately, scarcely anybody was rich any longer!"

These were the criticisms of the conservative party, which might have been very truly applicable to a simple measure of free trade in land. But the Edict of October had in fact taken account of the danger and contained an express provision to meet it. Hence, as I have said, it was actually a threefold enactment, for not only did it first abolish serfdom and secondly establish free trade in land, but thirdly it endeavoured to guard the peasantry against the danger, which in so many countries has proved serious, of being gradually driven out or turned from proprietors into wages-receivers by the effects of the unequal competition to which they are exposed.

At the same time that we carefully distinguish these different enactments all included in one Legislative Edict, let us be as careful to remark what was not included in it. Englishmen are apt to attribute to the legislation of Stein all the innovations introduced in this period. In particular it has been supposed that he created the peasant-proprietorship of modern Prussia. But this he did not do, except, as he says in the passage quoted above, on the Domain Lands of West and East Prussia. Proprietors in a certain sense the peasantry were before this Edict, that is, they cultivated land for themselves and with a considerable sense of security; proprietors in the full sense they were not, because they held of a landlord to whom they owed various dues and services. Now Stein's Edict altered the nature of these

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services and abolished the most oppressive, but it did not destroy the rights of the landlord or leave the peasant sole master of the land he cultivated. It was reserved for Hardenberg to do this by an Edict issued on September 14th, 1811, and it should be noticed that Stein expressly declines to accept any responsibility for this innovation. Again, it is not to be supposed that the provision just mentioned, by which Stein tried to prevent the absorption of the small holdings by the great proprietors, has actually proved the means of preserving the peasant class in Prussia; for all this passed away with the legislation of Hardenberg, and it has been by its own vitality and not by State interference that peasant-proprietorship has maintained itself.

Further, it is to be remarked that Stein is quite accurate when he describes his Land Reform as not consisting solely in the Edict of October, but as including also another quite distinct act of legislation which applied only to the provinces of East and West Prussia. This act belongs to July, 1808, and is confined not simply to the peasants of these two provinces, but to a particular class of peasants, viz. those sometimes called *immediate* peasants, or in other words those who living on the Royal Domains had no other landlord but the King. It is evident that the Government could deal with these more easily than with those peasants whose condition it could not improve without meddling with the rights of another class. The extreme distress in which these two provinces lay, and which the Government was in no condition to relieve directly, was the justification for granting privileges to these particular immediate peasants which for the moment were not extended to those of the other provinces.

Such then, defined in general terms, was the extent of this reform. It needs, however, a much closer description. In the first place the reader must guard against a misapprehension of the phrase "free trade in land," into which he is likely to be led by his English experience. Free trade in land is also a cry of our own reformers, but we must be-

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ware of supposing that what they call for is the same thing that was granted in Prussia by Stein's Edict. The complaint in England is that a number of practical obstructions prevent land from being the object of such free purchase and sale as other commodities. Much of the land of the country, it is said, is in the hands of persons who in family settlements have given up the right to alienate it; the system under which landed property is conveyed is so cumbrous and expensive as to deter people from transactions of the kind; and lastly, by recognizing the principle of primogeniture with respect to land and not with respect to personal property in cases of intestacy, the law itself countenances the notion that landed property stands in a class by itself and is not to be dealt with or transferred as if it were purely a commodity. Now it is an instance of the confusing and misleading inaccuracy of our party cries, when the removal of these restrictions is called free trade in land. Free trade in other cases means the removal of restrictions imposed by the law or by the government, but these restrictions are of quite another kind. Only the last mentioned is the work of the law, and it cannot in any proper sense be called a restriction, for the only way in which it operates restrictingly is by lending the moral influence of the law to the support of a restrictive system. The cumbrousness of our conveyancing is merely the result of the gradual way in which our land system has been formed, and as to the system of settlements, so far from being a restriction of freedom it is the direct result of freedom of contract, so much so that the reformers themselves demand an interference of the law to prevent it, in other words, wish to promote what they call free trade by a new legal prohibition.

Now when Stein is said to have established free trade in land, the expression is to be understood literally. The hindrances to the sale and purchase of land which he removed were not accidental practical obstacles but formal legal prohibitions. In the old law of Prussia, and in the Code of Frederick or Allgemeines Landrecht, which came

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into force in 1794, it is laid down that noble estates (adelige Güter) can only be held by nobles, and that persons of civic origin (bürgerlicher Herkunft) can only acquire them by express permission of the sovereign. In the same way peasant-land could, as a rule, only be held by peasants, and land belonging to towns only by citizens. We are familiar with the idea of caste as applied to human beings, that is, of an unalterable *status* stamped upon a man from his birth; in Prussia it may be said that caste extended actually to the land, so that every rood of soil in the country was of a definite and unalterable rank and, however it might change its owners, always remained either noble or citizen or peasant land. Now the first innovation contained in Stein's Edict consisted in cancelling in the fewest and simplest words all the regulations which established caste in land.

When the Edict is examined more closely it will be seen to be much more comprehensive even than it was represented above, when I pointed out how much more comprehensive it was than was commonly supposed or than Stein himself described it. For at the same time that it abolishes caste in land, it accomplishes another act of emancipation which is in no way expressed in the phrase free trade in land; it removes another quite distinct set of restrictions and abolishes caste in persons. The Code of Frederick prohibited the nobleman from engaging in any occupation properly belonging to the citizen, and only allowed under certain conditions the citizen to pass into the class of peasants or the peasant into the class of citizens. The Nobles, the Citizens, the Peasants; these were the three castes into which the Prussian population, outside the professions, was divided; into one or other of them each person was born and in the same, as a rule, he died. To each caste was assigned its special pursuit. The Noble cultivated his estate and exercised jurisdiction over the peasantry who held under him, though he could not himself hold or cultivate peasant land; he also served the king in civil or military office. The Peasant cultivated his plot of ground, rendering

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fixed services to the lord and subject to his jurisdiction, and belonged at the same time to the rank and file of the army. Between them stood the Citizen, holding a monopoly of trades and industries which by law were confined, with few exceptions, to the towns. It is remarkable that the military profession was for the most part closed to him. This must be borne in mind when we compare the Seven Years War with the War of Liberation. We have read of the fearful consumption of men caused by the Seven Years War, and of the desperate shifts of Frederick to procure recruits; but we must understand that no *levée en masse* took place then and that the citizen class had scarcely any share in what was going forward. This is the more to be noted because the connexion between the citizen class and the learned class was closer than in other countries. The learning, literature and philosophy which flourished so remarkably in that age took the tone of the middle class, and a curious result followed. In the most military of all modern States, literature, because it sprang from a class which enjoyed an exemption from military service, and as a consequence the tone of public feeling which is determined by literature, was in an especial degree wanting in the military spirit—Scharnhorst describes the army as being generally hated and despised and Kant speaks with contempt of a man of education who had embraced a military life—and this fact goes some way to explain that phenomenon of a military State fighting exceptionally ill which we have so long had before us.

This state of society is very foreign to our ideas, and may perhaps, because we have no experience of it, fascinate some imaginations. No Laissez faire here; every man's place is assigned to him from his birth; his occupations are prescribed, and a great Taskmaster or earthly Providence stands at the head of the whole society, which may be called army or nation at pleasure, since even the unmilitary citizens were regarded by the State principally as a sort of commissariat department. And for the immediate purpose of Frederick William I. and Frederick the Great the system

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was well adapted, for that purpose was simply military. A place for every man and every man in his place; the "productive forces of the country perfectly inventoried and a debtor and creditor account of its resources kept*;" by such a system the rulers could wield the whole force of the country most easily and certainly. Nevertheless, the destruction of this whole system by a stroke of Stein's pen, was now regarded as the greatest of reforms and the commencement of the restoration of Prussia. For it will be evident that the same system which concentrated so powerfully and measured so exactly the forces of the country at the same time entirely prevented them from growing, not to mention the intellectual stagnation, outside the University world, which was produced by such rigid uniformity of life. A country in which no man can follow his natural bent, take to agriculture if he does not like trade or to trade if he does not succeed in agriculture, is evidently not an industrial country; its material resources under such a system will remain undeveloped, and if it be a poor country, as Prussia was, the system will actually in the end defeat its own object, for such a country from mere poverty will be weak in war.

As the first section of the Edict abolished what I have called "caste in land," so the second, consisting of about three lines, abolished caste in persons. And here it may perhaps be observed that I omitted above one principal circumstance which made such sweeping changes so easy to Stein. Before the Peace of Tilsit it would have been scarcely possible to carry out such reforms however much the rulers might have been convinced of their necessity. Frederick had shrunk from the emancipation of the serfs because he felt that it would introduce disorder into his army, and for the same reason these reforms also would have been scarcely practicable so long as the army existed. The disasters brought with them the compensation that they destroyed for a moment this incubus; the necessity of

* Morier.

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maintaining a great position in Europe, the necessity even of defending the country, ceased when the country actually fell into French occupation, and thus, as we may say, the building being down, it was for the first time possible to mend a defect in the foundations.

These reforms, favoured as they were by circumstances and requiring but few lines in the Edict, were yet much more fundamental and pregnant with consequences than any such practical reforms as may be called for in England to make the purchase of land more easy. They were a sort of Magna Charta to the Prussians, and Schön might well have applied to them the enthusiastic expressions which he keeps for the sections which emancipated the serf. In v. Rönne's standard text-book of Prussian Constitutional Law, I find in the chapter on Rights under the first Title, Freedom or Security of the Person, that this freedom is composed of three rights, (1) the right of movement and free choice of abode (Freizügigkeit), (2) the right of emigration (Auswanderungsrecht), (3) *the right of choosing a calling or trade* (Freie Wahl von Beruf und Gewerbe); and this third right we are informed was given to the Prussians by the Edict of October 1807. The same is said of the first of the rights which go to make up the second Title, viz. free right to the acquisition and possession of property (Freies Recht zum Erwerbe und Besitze des Eigenthums).

I proceed to give the text of this Edict, the vast importance of which will have by this time become clear. The less important sections are printed in a smaller type, and of §§ III. and V., as purely technical, only the heading is given.

Edict concerning the facilitation of possession and the free use of landed property, as well as the personal relations of the inhabitants of the country.

WE, Frederick William, by the grace of God King of Prussia, &c., &c.,

Make known hereby and give to understand. Since the beginning of the peace We have been before all things occupied with the care for the depressed condition of our faithful subjects, and the speediest restoration and greatest

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improvement of it. We have herein considered that in the universal need it passes the means at Our command to furnish help to each individual, and yet We could not attain the object; and it accords equally with the imperative demands of justice and with the principles of a proper national economy, to remove all the hindrances which hitherto prevented the individual from attaining the prosperity which, according to the measure of his powers, he was capable of reaching; further, We have considered that the existing restrictions partly on the possession and enjoyment of landed property, partly on the personal condition of the agricultural labourer, specially thwart Our benevolent purpose and disable a great force which might be applied to the restoration of cultivation, the former by their prejudicial influence on the value of landed property and the credit of the proprietor, the latter by diminishing the value of labour. We purpose, therefore, to reduce both within the limits required by the common well-being, and accordingly ordain as follows:

§ I. Freedom of Exchange in Land.

Every inhabitant of our States is competent, without any limitation on the part of the State, to possess either as property or pledge landed estates of every kind: the nobleman therefore to possess not only noble but also non-noble, citizen and peasant lands of every kind, and the citizen and peasant to possess not only citizen, peasant, and other non-noble but also noble, pieces of land, without either the one or the other needing any special permission for any acquisition of land whatever, although, henceforward as before, each change of possession must be announced to the authorities.

§ II. Free Choice of Occupation.

Every noble is henceforth permitted without any derogation from his position, to exercise citizen occupations; and every citizen or peasant is allowed to pass from the peasant into the citizen class, or from the citizen into the peasant class.

§ III. How far a legal Right of Preemption and a First Claim still exist.

§ IV. Division of Lands.

Owners of Estates and Lands of all kinds, in themselves alienable either in Town or Country, are allowed after due notice given to the provincial authority, with reservation of the rights of Direct Creditors and of those who have the right of preemption (§ III.), to separate the principal estate and its parts, and in general to alienate piecemeal. In the same way Co-proprietors may divide among them property owned in common.

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§ V. Granting of Estates under Leases for a Long Term.

§ VI. Extinction and Consolidation of Peasant Holdings.

When a landed Proprietor believes himself unable to restore or keep up the several peasant holdings existing on an estate which are not held by a hereditary tenure, whether of a long lease or of copyhold, he is required to give information to the government of the province, with the sanction of which the consolidation, either of several holdings into a single peasant estate or with demesne land, may be allowed as soon as hereditary serfdom shall have ceased to exist on the estate. The provincial Authorities will be provided with a special instruction to meet these cases.

§ VII. If on the other hand the peasant tenures are hereditary, whether of long lease or of copyhold, the consolidation or other alteration of the condition of the lands in question, is not admissible until the right of the actual possessor is extinguished, whether by the purchase of it by the lord or in some other legal way. In this case the regulations of § VI. also apply.

§ VIII. Indebtedness of Feudal and Entailed Estates in consequence of the Ravages of War.

Every possessor of feudal or entailed property is empowered to raise the sums required to replace the losses caused by war, by mortgaging the substance of the Estates themselves as well as the revenues of them, provided the application of the money is attested by the Administrator (Landrath) of the Circle or the Direction of the Department. At the end of three years from the contracting of the debt, the possessor and his successor are bound to pay off at least the fifteenth part of the capital itself.

§ IX. Extinction of Feudal Relations, Family Settlements, and Entails, by Family Resolution.

Every feudal connexion not subject to a Chief Proprietor, every family settlement and entail may be altered at pleasure or entirely abolished by a Family Resolution, as is already enacted with reference to the East Prussian Fiefs (except those of Ermeland) in the East Prussian Provincial Law, Appendix 36.

§ X. Abolition of Villainage.

From the date of this Ordinance no new relation of villainage, whether by birth, or marriage, or acquisition of a villain holding, or by contract, can come into existence.

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§ XI. With the publication of the present Ordinance the existing condition of villainage of those villains with their wives and children who possess their peasant-holdings by hereditary tenures of whatever kind ceases entirely both with its rights and duties.

§ XII. From Martinmas, 1810, ceases all villainage in Our entire States. From Martinmas, 1810, there shall be only free persons, as this is already the case upon the Domains in all Our provinces; free persons, however, still subject, as a matter of course, to all the obligations which bind them as free persons by virtue of the possession of an estate or by virtue of a special contract.

To this declaration of Our royal Will every man whom it may concern, and in particular Our provincial and other governments, are exactly and loyally to conform themselves, and the present Ordinance is to be made universally known.

Authentically, under Our royal Signature. Given at Memel, October 9th, 1807.

FRIEDRICH WILHELM,
Schrötter, Stein, Schrötter II.

The elder Schrötter was at this time Minister for the province of Prussia, and he with his brother was intrusted with the task of publishing the Ordinance in the province where it had received the King's signature. It is for this reason that their names are affixed to it along with Stein's.

That threefold character of the Edict which was pointed out above, will appear very visibly by observing the three groups of sections, which on account of their especial importance have been printed in large type. The abolition of caste, both in land and in persons, is accomplished in the first two sections; the abolition of villainage in the last three, which, it is evident, might as well have composed a separate edict. Sections 6 and 7 are introduced to prevent the system of free trade in land from bearing too hard on the peasant and making the proprietorship of land a monopoly of the richer classes.

Having traced the history of the preparation of this

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Edict, and examined its nature and the changes it introduced, we are in a condition to inquire who are the persons to whom the Prussians may consider themselves chiefly indebted for it.

In such cases the popular mind invariably makes a misapprehension which it is almost in vain to attempt to correct. It attributes to the unassisted intelligence and will of a single author what was necessarily the joint work of many. In this instance Stein has obtained a popular fame to which he has little right, and which partly compensates for much unjust neglect. While his real life and actions have been little known, he has gained a sort of legendary reputation, such as has gathered round many other legislators, and has been credited with all the judgment, technical skill and wisdom implied in the framing of a law which has revolutionised a country. His admirers need not hesitate for a moment to disown for him all such ungrounded pretensions. In the construction of the Emancipating Edict Stein had no great share. Before it reached his hands it was almost complete, and we may distinguish two agents by whom it had been made such as it then was. The first agent was what we call the Spirit of the Age, that is, the sum of influence proceeding partly from the humanitarian writers partly from the economists of the 18th century, by which the majority of those who guided public affairs had been convinced of the necessity of certain great changes. When a man like Hardenberg, who had no special or professional learning, confidently sanctioned such sweeping proposals as those which Altenstein laid before him, he proclaimed in effect that the work of the Zeitgeist was done. From that moment the matter of the law existed, and the question of the form came under consideration. Then began the work of the second agent, that is the Immediate Commission. We have seen who the men were from whose deliberations the law came forth clothed in form. But perhaps the question may be asked which member, or members, of the Commission deserved best of the law, and this question can

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only be answered partially and doubtfully, many of the documents being missing in the archives. We have the fact that Niebuhr separated himself deliberately from his colleagues because he would not take the responsibility of their plans. For the rest we have Schön's Report, of which an abstract has been given above, and we have some reminiscences of Schön, which were written down at a much later period and not published till 1875. The latter indeed give us many statements, but we are embarrassed when we find that their drift is to claim the whole credit of the Edict for Schön. It seems hardly fair to the other members of the Commission to accept a representation which is made at their expense and published after their death. When we test it in the only way open to us, that is by comparing it with Schön's Report, which for what it asserts is far better testimony, we find the suspicions decidedly strengthened, which the claim itself by its exorbitant and egotistic character suggests. That Schön deserved a great share of the credit we are quite prepared, from what we hear of the influence he exerted, to believe; nay, after a resonable deduction for evident self-conceit, we might be willing to think that perhaps his claim to have been the guiding spirit of the Commission was substantially well-founded. But when we compare his late reminiscences with his own Report written at the time, as well as with other evidence, we discover that his self-conceit was of an unusual intensity and that it certainly clouded and corrupted his remembrances. His statement is not merely exaggerated; it is certainly untrue, and gives an incorrect impression of the nature as well as of the degree of the influence he exerted.

We have gathered from Niebuhr's hints that he had friends on the Commission who applied certain doctrinaire theories with a consistency which appalled him, and in fact frightened him away. It is scarcely possible to doubt who is pointed at. Schön was just such a doctrinaire and such inexorable consistency was just in his character, while nothing similar seems to be true of Altenstein or Stägemann.

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It seems also unquestionable what rigorous applications of theory are pointed at. The introduction of free trade in land created so manifest a danger of the absorption of the peasant-holdings by the rich that is was found in the end necessary to protect those holdings by a special limitation. Now the theory of free trade was precisely that which at the moment possessed the heads of the Prussian doctrinaires under the influence of Kraus, and it was precisely that of which Schön was the mouthpiece on the Immediate Commission. "Kraus," says Schön himself, "was my great teacher; he mastered me entirely and I followed him without reserve." The theory was still so new, that it is not likely that the Prussian legislators could have adopted it with such courageous completeness as they did in the Emancipating Edict unless there had been among them some strongly convinced free-trader, whose arguments were heard at the Immediate Commission. Schön's influence is necessary to account for the result, and we can fancy how hard and ruthless his language must sometimes have sounded, particularly to one so timid by temperament as Niebuhr. Thus Niebuhr's evidence and the nature and known facts of the case concur to show us Schön advocating with all his influence and with more energy than any one else that part of the Edict which introduces free trade in land.

On the other hand we do not expect to be told that Schön had much influence in deciding the Commission to propose the abolition of serfdom, not because he did not feel strongly on the question, but because there was no difference of opinion about it. How did we find Hardenberg treating this subject? "The abolition of serfdom," he wrote, "must be decreed by a law briefly, and at once." In other words, it is a matter on which argument has long been exhausted. That this was really the case, that, to use the vigorous words of—what writer?—of Schön himself,

> The great majority of the nation, a few weak and wicked persons only excepted, have long been agreed upon the principle that there is no greater

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injustice than that a reasonable being should be prevented from using his energies for his own welfare in a way not prejudicial to the State by a fellow-subject, simply because he was born on this or that clod,

all evidence concurs to show. To abolish serfdom had been a favourite object of Frederick William III. since his accession, "towards which," as he himself said in his Cabinet Order of August 23rd, "he had undeviatingly striven." The question had been agitated in every way, in the Estates of West Prussia as early as 1799, in writings by Kraus, Leopold Krug, and others; Stein himself, as has been remarked above, had been busy with it in Westphalia. A good notion of the general state of public opinion on the subject may be formed from the following statement given in Bassewitz' "State of the Electoral Mark of Brandenburg in 1806."

Though the peasant, used to routine, had in his fettered condition little industry and did not yet appreciate the advantages which were offered him for the future in a perfectly free proprietorship, yet he felt keenly enough the pressure of the service-payments, and of the compulsory service. This, and the views of the rights of man that were diffused among the people, created among the peasantry the wish to be relieved from their services, from their dependence on the landlords, and from the compulsory menial service, as it subsisted under the Servants Ordinance (Gesindeordnung) for the country districts of the Electoral Mark of February 11, 1769, and the later interpretations of it.

Now what startles us in Schön's reminiscences and excites the suspicion that he does not merely exaggerate, but deliberately distorts and misrepresents the truth, is this, that he describes himself as having carried the abolition of serfdom in spite of general opposition, while he is not only silent about his exertions in the cause of free trade, but endeavours by studied turns of language to convey the impression that he took no interest in that question. What curious freak of vanity can have actuated him we can only guess; I suppose he thought the glory of a liberator of bondsmen more desirable than a mere reputation for enlightened views of political economy. It is however the fact that he, the enthusiastic disciple of Kraus, describes

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one of the most memorable triumphs of the free trade theory in such a way that it can only be discovered from a single casual expression that free trade triumphed at all. Meanwhile he describes his zeal for the abolition of serfdom as resembling that of a martyr or apostle, and has a pathetic picture of his own devotedness, when, as he was engaged in composing his Report, he received intelligence that his wife was at the point of death, if he would see her again alive he must leave his work and hurry to her side, but "though deeply afflicted he felt he must not betray the great idea, and with violent self-mastery wrote on till his task was ended, and then setting out, found his wife, the angel that hovered over him, no longer living." And he repeats several times that this had been "his sole and single object in public life," that "he had desired only this," which assertions of course imply, and seem intended to imply, that he had never taken the smallest interest in free trade. Equally strong are his assertions that the abolition of serfdom was owing to his own efforts. The reform is described, not as one about the desirableness of which all were agreed, not as one which had long been agitated and over every part of the Monarchy, which the King had always had at heart, and the peasantry themselves were eagerly looking forward to, but in a strain which might have suited the Abolition of the Slave Trade by Clarkson and Wilberforce. It is a grand philanthropic idea conceived by a few Königsberg philosophers and diffused from them to a band of faithful disciples, but remaining for a long time a doctrine peculiar to the Prussian province, so that it "seemed a mere brain-cobweb to Westphalians and Markers." This idea he personally has the glory of representing in the Immediate Commission. Stägemann is the first convert, then Beyme raises himself to the level of the Idea, his conversion being helped by the authority of another Königsberger, Morgenbesser; Klewitz is the last to come in. While the abolition of serfdom required so much preaching, the doctrines of free trade, we are asked to

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believe, were received as a matter of course. But in the moment of his triumph this Prussian Wilberforce sank down exhausted; no sooner was the struggle over than the sense of his bereavement overcame him. Accordingly he could not draught the law—here at least is an important statement—and Stägemann, "faithful companion on the great journey," undertook this task. "All else that I have done in the world is nothing compared to calling into life the idea of freedom." And this hymn to himself Schön introduces with the mock-modest heading, *What did I do? Answer: Nothing worth speaking of.*

The Report which cost Schön such "violent self-mastery" is now before us, and we cannot read it without feeling that the Frau v. Schön was somewhat hardly used. It is from this very Report that I have just extracted the statement that "the great majority of the nation had long been agreed on the principle of the abolition of serfdom." So far from arguing strongly and eloquently against serfdom, so far from directing his argument principally to this point, he puts serfdom last among six causes to which he refers the impoverishment of the country. He does indeed describe it as the most important of the six, but he refrains from treating it with the same fulness as the others, because, as he says, "on the necessity and safety of abolishing it your Majesty has heard so much that it would tire you to hear more." And in the short preface which he has prefixed to the Report he says expressly,

> This matter (*i. e.* the abolition of serfdom) had occupied all good heads and hearts in Prussia many years before the war. The number of those who were slavishly disposed was small, but they were powerful.

At the same time it refutes the reminiscences not less completely on the subject of free trade in land. It shows, as we should expect, that Schön's mind is fully occupied with this question, and that he gives it precedence over the question of the abolition of serfdom. We find in this Report just those hard and cruel-sounding statements of

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economic principle which Niebuhr had led us to expect. We find him attacking as a mischievous prejudice the accepted rule that the number of peasant-holdings on an estate should never be diminished, and declaring that "there is no reason why the landowner should not have an unlimited right to dispose at pleasure of his land and soil," and that "as a matter of fact it would be found impossible to keep up as many peasant-holdings as before the war," and throwing out hard assertions that "the Government can never have an interest in securing A or B in the possession of his property*."

It is however a mistake to suppose that Stein's reputation is in any way concerned in the question of the trustworthiness of Schön's account. Schön's sphere was the Immediate Commission, while Stein's sphere was altogether outside it. What Schön has snatched at is not any reputation belonging to Stein, but that which ought to fall to his colleagues, Stägemann, Klewitz, and in some degree also Altenstein and Niebuhr. An achievement which officially belonged to the whole Commission jointly he has tried to appropriate in the main to himself. Fortunately evidence enough remains to defeat this attempt, and to show that the only statement in his whole narrative which we can safely accept is the statement that the draughting of the Edict was the work of Stägemann. As to Stein, his share in the achievement is altogether distinct from that of the Commission, and therefore from that of any member of the Commission. It is to be divided into two parts, of which the one can be precisely stated, and the other is essentially indefinable, though not necessarily the smaller on that account.

* I have carefully avoided depending upon the narrative given in Pertz of the party-contest at the Immediate Commission, which I agree with the anonymous author of *Zu Schutz und Trutz am Grabe Schöns* in regarding as somewhat legendary. I trust I have made it appear that the statements of Schön's Autobiography can be disproved without assuming the truth of a narrative equally unsatisfactory that has unfortunately crept into Pertz, and in any case that Stein is not at all concerned in the controversy.

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The first consists in any alterations he may have made in the Edict after it was laid before him. Of these the principal was the extension of the Edict to all the provinces of the Monarchy. That the credit of this belongs to Stein we find Schön himself, who when he wrote his Autobiography had formed the habit of denying him all share in the Edict beyond that of putting his name to it, fully acknowledging while the facts were still fresh in memory. In a diary written about the time of Stein's fall Schön writes of him, "He made his *début* with the Edict of October which he found ready, and which it is his merit only to have made universal." Besides this, as we have seen, the incorporation of Stägemann's suggestion into Art. 6 is due to Stein.

But it is strangely perverse to limit Stein's share in the Edict to those alterations in the text of it which are known to be due to him. It is not thus that the merit of an act of legislation ought to be, or commonly is, awarded. When Lord Grey is called the author of the Reform Bill, is it intended that he first thought of reforming Parliament or that he devised and draughted all or most of the provisions of the Bill? Plainly his title to the achievement would be entirely unaffected if it could be shown that no single word of the Bill was suggested or determined by him. It is not draughting a Bill, but passing it, that is the difficulty. What we say of Lord Grey is that he gained that ascendancy both in his own party and in the nation by the height and firmness of his character, that he was able to guide them safely through a legislative enterprise which with an inferior leader they would either have feared to attempt, or in attempting would have stumbled into revolution and civil bloodshed. When we call the Edict of October Stein's Edict we mean something similar. But it may be thought that the cases were not parallel, because in Prussia there was no Parliament to guide, no turbulent public opinion to control. And indeed I imagine that no one would pretend to equal this single act of Stein's to the passing of the Re-

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form Bill. Still between the draughting of the Emancipating Edict and the making it law in Prussia there was a space to be traversed, though not so wide a space as that over which Lord Grey carried the Reform Bill. Not a Parliament or a people, but officials and the King had to be inspired with courage. No noisy parliamentary opposition indeed, but tenacious interests exceedingly strong in the court and in the army had to be defied. When Hardenberg and Altenstein and the Commission recommended these reforms, they did so with the knowledge that Stein was at hand to carry them out. Would they have made the same suggestions if Voss or Schulenburg or Struensee had been at the head of affairs? Hardenberg's recommendations proceed avowedly upon the assumption that Stein is to be Minister, and we cannot even be sure that he would himself have had courage to attempt what he felt sure Stein would not shrink from. Much more may we doubt whether the King would have borne the weight of such responsibility unsupported, or supported only by a common Minister.

In one word, we must not confound the reforming legislator with the jurist and parliamentary draughtsman. It is not inventiveness, or originality, or technical skill, that we honour in those who have presided over the transitions of States. It is chiefly the massive courage that moves freely under responsibility and lightens the burden of responsibility to all around; it is the "Atlantean shoulders."

On these principles we ought perhaps to regard the rapidity with which Stein hurried the reform through as an essential and principal part of the reform itself. It was most material that the nation should feel the stay and sway of a powerful hand. Stein always acted with an almost Napoleonic swiftness, but in this instance we are particularly struck with his promptitude. It was perhaps rather instinctive than calculated, and yet he may have been aware of the importance of justifying without a moment's delay the great expectations that had been formed of him. He receives his powers on October 4th, and on the 9th the

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most comprehensive measure ever passed in Prussia, affecting every class and the whole framework of society, appears, not as a proposal, but as an accomplished act with the King's signature, as a part of the law of the country.

CHAPTER V.

STEIN'S POSITION.

IT thus appears that the Emancipating Edict, though the greatest single achievement of Stein's Ministry, was yet that which was least of all originated by him and least bears the marks of his mind. I have argued that his strong will and character entered into the calculations of those who designed and prepared it in his absence; still it is not so much one of the achievements of his dictatorship as a kind of sign, or announcement by a thunderclap, that he had become dictator. At the time the Edict was issued his mind was preoccupied with quite other schemes of reform and the country had other needs more pressing even than any reform of its institutions could be. What these needs were and what means Stein had to deal with them, we must consider now that we have left the Emancipating Edict, for the present at least, behind us.

In the first place let us consider for a moment the nature of the power which Stein wielded. It was exceedingly precarious, and probably Stein may have felt this at the moment when he laid the Emancipating Edict before the King. His power was neither committed to him for any fixed term nor was he the representative of any powerful interest. In Prussia indeed Ministers had not for a long time been in the habit of looking to any support but that of the King; but Stein, though not at all resembling a leader

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of opposition in England, such as Lord Rockingham or Fox, who forces himself into power against the royal will, had yet humbled the King and was the first Minister in Prussia of whom it might be thought that he was more important than the King. By the King therefore he could not expect to be supported very enthusiastically or much longer than his services were found absolutely indispensable. Could he then look to any other quarter for help? There was one whose word could no doubt at any moment have driven him from office, and whose support probably could have long secured him in office—Napoleon. We have seen that he had Napoleon's good will at the outset and there was nothing in the sample he had just given in the Emancipating Edict to deprive him of this. On the contrary, Napoleon might point to this Edict as a proof of the awakening effect of those rude blows he dealt to kings and as a victory of the principles of the French Revolution. In other respects he might regard Stein's energy with satisfaction, for Stein would know how to raise money from Prussia, and so long as Napoleon retained the power of appropriating this money Stein was working most effectually for him. It is true that this was not Stein's object. He meant—at least after a few months he resolved—to strike a desperate blow for freedom; and if by any chance Napoleon should discover this resolution and should come to regard him as more dangerous than useful, Stein's power would be at an end, unless he should have succeeded by that time in hurrying his country into a new war, in which case no doubt a splendid opportunity would present itself to him of winning renown as a war-minister.

Besides Napoleon there was another power which could do much towards making or marring Stein by its influence over the King. The Prussian aristocracy could not indeed resist Stein as effectually as the French aristocracy resisted Turgot. In their submission to the Government, and at the same time in the large share they took in the administration of the State, the Prussian aristocracy offered no doubt a

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strong contrast to the French. The King was their master, and so long as Stein had his confidence he could defy the aristocracy; and even if his measures struck at them and diminished their privileges, he might hope to be supported by a Hohenzollern, who knew well that his interest was quite distinct from that of the aristocracy. At the same time the King lived in the midst of the noblesse, who formed not only his court but also his official service, for almost all the higher administrators as well as the officers belonged to this class. Its influence, if it could avail nothing against the power of the King, was none the less great in itself and most formidable to a minister who was not firmly established in the royal favour. Stein, as I have said, was no king's man; the sweeping measures he proposed might even, and ultimately did, seem dangerous to the court. In these circumstances he could not defy the noblesse after the fashion of a Richelieu. But still less was he in a condition to conciliate them. After the 9th October, that is, after his first week of power, he must have known that he could not expect their support, for of all classes the Edict struck the noblesse much the hardest.

It is true that the policy of Stein, when it is viewed as a whole, appears such as might well have been supported by all classes of the nation alike. By patriots, for if Napoleon had some share in appointing him, it very soon appeared that he was by no means less patriotic than Hardenberg. Nor need the King have been seriously alarmed, for if a despotic monarch cannot without risk enter on the path of reform the time was past when the Prussian Monarchy could be saved without risk, and Stein was the man to save it by daring. Even the aristocracy had the security that Stein himself belonged to them, and that he had never dallied with revolution nor shown a disposition to break, like Mirabeau, with the order into which he was born. But at the time Stein's policy *could* not be viewed as a whole, and public opinion might easily misunderstand the scope of it. "All he did," says Marwitz, "was to bring the Revolu-

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tion upon us." The Emancipating Edict might easily be regarded as the beginning of a course which would end in adhesion to the Confederation of the Rhine. Or again, since the Emancipating Edict was certainly Prussia's Fourth of August, it might seem the beginning of that process of substituting the local official for the local magnate by which bureaucracy had been introduced in all lands that had fallen under the influence of France. Stein might seem to be Prussia's Montgelas. That he was strongly Anti-Gallican, profoundly patriotic, and had a particularly strong conviction of the value of self-government could not as yet be generally known.

For throughout this narrative of Stein's ministry the reader must bear in mind that the changes we describe, though vast and memorable, were accomplished in silence, almost in secrecy, amid a people ignorant of everything beyond the actual ordinances that were published, for the most part completely indifferent to what they knew, and accustomed, if any enactment drew their attention, to attribute it to the King rather than to the Minister. Stein had few means of taking the people into his confidence. He defended his measures in no Parliaments, at no public meetings, he published no letters to constituents, no pamphlets. Those who had opportunities of conversing with him knew what he aimed at; a few officials knew; the official class generally had an impression, but the public at large neither knew, until it was announced to the world by Napoleon's edict of proscription, nor for the most part cared. The excitement which Stein's acts caused was confined to a very small circle, and to the people at large his name perhaps almost unknown.

Our own Chatham affords an example of a man rising above the character of a party leader and born to lead a whole nation, yet labouring under the want of a proper machinery for acting on the nation. He made up for it as well as he could by theatrical manners and oratory. Stein had certainly the same grandeur of views, but he was divided

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from the nation still more completely. The indifference of the middle class to politics was such as we can scarcely imagine, and there were no parliamentary debates even so imperfectly reported as those through which Chatham strove to address his countrymen. Stein had not even the Tapestry to talk to. And thus the utmost he could do was to inspire some half-dozen officials with his views and to found something like a political school whose manifesto was signed by him on leaving office and called his Political Testament.

It appears then that Stein's power had no basis which could be expected to remain firm under his feet for any length of time, and this was shown to be so by the event. The King learnt gradually to regard him with much esteem and parted from him at last unwillingly; the ablest officials and, still more, officers rallied round him with enthusiasm; even a large section of the middle class became aware of his merit before he retired; but he was thwarted by a *fronde* among the nobles, and he became after a time an object of suspicion to the leaders of the French invasion and at last to Napoleon himself. We are induced to ask, Was he aware of the instability of his position, and did he take any measures to strengthen the foundation he stood on, or did he neglect to do so either from recklessness or from a deliberate conviction of the impossibility of holding office long?

It was not, after all, quite impossible for him to establish a solid and lasting power, supposing him to have desired it. For Hardenberg later had much the same difficulties to contend with and overcame them all. In 1810 he recommences the work of Stein, if not with the same mastery yet with equal courage, striking at all interests and again eclipsing the King. And yet his power proves to be durable. He holds it for twelve years, and only loses it with his life. The explanation of this seems to be, first the extreme and abject need of the country, then the war. When the war was over his position, like that of Lord Liverpool in Eng-

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land, was secured to him for life by the glory which had been won. Now Stein might have had the same good luck; and if he thought at all about securing his power, it was perhaps in this way that he expected to do it. For the moment the country could not do without him, and he foresaw a period when it would be able to dispense with him still less. For when he came to see the condition of the country and to conjecture what Napoleon's purposes were with respect to Prussia, when he saw that the Treaty of Tilsit was no Treaty, how could he doubt that there would be another war? In sheer self-defence and to save herself from destruction, Prussia must, it seemed, join the first Power that should venture to challenge Napoleon; and when once a war should begin, his power would be safe, as that of Hardenberg afterwards proved to be. Perhaps indeed he expected much more, for great as were Stein's actual achievements, it seems probable that he missed the great opportunity of his life. He had already, as we have seen, had much experience in war finance, and it was only in war that the great side of his nature could display itself, his fire, his constancy, and his large national views. His proper place was evidently that of Prime Minister in a German War of Liberation. The King spoilt this destiny in 1809 and Hardenberg intercepted it in 1813.

Indeed we shall be much mistaken if we regard Stein's actual achievements as in any way answering either to what he designed, or to what was expected of him, or to what he seemed naturally fitted to accomplish. Great legislative measures were not what Prussia wanted most urgently, although she did want them. If Stein passed such measures, it was not because he had a special genius for legislation, or because with German profundity he chose rather to lay a deep foundation of national well-being than simply to do what the exigency of the moment demanded. The truth is that short as his term of power was and great as were the legislative changes he made, yet he was not mainly occupied with these changes during that term of office. It will be re-

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marked that the first and greatest of them cost him scarcely any time or trouble, for he found it ready to his hand, so that in fact for legislative purposes his ministry may be reckoned as three months longer than the time he actually held it, and as beginning immediately after the Peace of Tilsit. Schön writes at the moment of his fall, "He accomplished much, but only at the first beginning and at the end of his administration." How far this is true we shall see, but it points to the truth that he had much else on his hands besides legislation and that he did not in any way neglect this more urgent work or postpone it to legislation. The reason why this has been overlooked is simply that in all but legislation he failed, and that not from any want of skill but from the inherent difficulties of the situation. To understand his administration properly, we must take note of this and observe that the tasks which occupied him most intensely were not those in which he succeeded and by which he won his fame. The greatest of these I have already mentioned; it belongs to the final months, and consists in the attempt to hurry Prussia into the war which broke out in 1809. But before this, and in the earlier part of his administration, he had been principally occupied in bargaining with the French in order to rid the territory of them, and in devising ways and means to satisfy their demands out of a ruined country.

In all this he may be said to have failed. If the French did leave the country, it was not owing to his efforts; if great sums of money were raised, they merely profited Napoleon without in any way satisfying him, and when Stein left office no real progress had been made towards removing the French incubus. More than all, the great chance was lost of bringing Prussia's humiliation to an end in 1809. As it proved, the campaign of Wagram was the last of Napoleon's triumphs; but for Stein's failure to carry the King with him, it might perhaps have proved the beginning of his disasters. This fact then, that Stein was mainly occupied with urgent tasks in which he failed, is the ex-

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planation of what Schön remarks, that he only accomplished great things at the beginning and end of his term of office. It may seem out of keeping with the portentous rapidity of his first and greatest innovation, that he does not earnestly take up his second, the Municipal Reform, till the summer, and still more that that Administrative Reform to which he had given most thought and which he had most at heart was undertaken even later, and was left imperfect at his retirement. It is true that the Emancipating Edict, effecting such vast changes, could not but involve much supplementary legislation and also much administrative work, which partly occupied the interval; but the main cause of interruption was a long negotiation with France, having for its object to prevail upon Napoleon to take less money, a negotiation which, as Napoleon preferred to receive more money and as he was all-powerful, proved necessarily abortive. This negotiation not only occupied Stein but, as it was found desirable that he should conduct it in person, forced him to leave the King, that is to leave the centre of business, and go to Berlin, where Daru, the French Intendant General, resided. This absence of Stein lasted from February 29th till May 31st, and forms a great landmark in his ministry, dividing its two periods of legislative activity from each other. After his return, though reform recommences, yet a new preoccupation takes possession of him and involves him in enterprises which not only distract him but speedily lead to his fall. This is the result of a great European event, which forms the turning point of the whole drama of that age and the commencement of what is called in this book the Anti-Napoleonic Revolution, I mean the insurrection of Spain in the latter half of May, 1808, followed by the capitulation of Baylen on July 22nd. This great occurrence not only determined the whole character of the period of war which followed, and filled the minds of German patriots with new hopes and ideas, but by forcing Napoleon to withdraw his troops from Prussia it occupied the Prussian statesmen with the absorbing question, whether

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they should continue in submission to Napoleon or take advantage of his first perplexities to throw off his yoke. September 1808 is the critical month for Stein. An intercepted letter discovers his plans to Napoleon, and at the same time the King rejects his warlike policy. As he could only stand either by the favour of Napoleon or by war with him, his fall is henceforth decided, but his resignation does not actually take place till November 24th, 1808. This is the outline of the first of the two most memorable periods of Stein's life, which it becomes now our part to clothe with detail.

Such detail however as the biographer desires is not very abundant just at this memorable part of his life. Stein is not yet surrounded by admirers making mental notes of his conversation, such as Arndt was to him at times in his later years, and he is too busy to write letters of general interest. On the whole Stein, like Samuel Johnson, can only be known at all intimately in his old age.

I find a few sentences which show us what he was thinking of on the memorable 9th October, the day of the Emancipating Edict. A certain Scheffner, who had been in the War Department and was now passing his old age in retirement at Königsberg known and valued by the intellectual circle of which Kant had been the centre, (the philosopher had died in 1804,) was one of his warmest admirers. He had greeted him on his arrival at Memel with a poem; and Stein replies as follows:

The feelings towards me expressed by a man of your high worth in the poem you have sent, and the estimate you form of me, help to remove many misgivings which plague me about my powers and their proportion to the tasks I have undertaken. In this respect I find the resolution I took in my fever—not when the fit was on me—rather *feverish*, and console myself with the reflexion, que le cœur d'un honnête homme est un puits de lumière. We are all craving for Königsberg, in order to return to the society of educated men, and have plans of establishing the royal family in Krüger's house and turning you out of it. Not very friendly on our part unless it were true what is said about the Dame de votre pensée.

Against the last sentence is written in Scheffner's hand,

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"What am I to make of this?" and against the sentence before, "A joke, I suppose!"

The exigencies of the war had compelled the King to fix his court at Memel. So long as the French occupation continued, that is till the autumn of 1808, he could not return to Berlin; he did not, as a matter of fact, return thither till the end of 1809. It is said that in these circumstances he was himself glad of the seclusion of Memel, but, as Stein hints in this letter, there were strong reasons for fixing the head quarters of Government in a more important town, such as the capital of the Prussian province, Königsberg. These reasons, perceived by Stein as soon as he entered upon the administration, prevailed after a time, and the Court arrived in Königsberg on January 16th, 1808. Thus it was first Memel and then Königsberg that was the scene of Stein's labours; throughout his ministry Berlin is no longer the seat of Government, but on the contrary it is the head quarters of the French with Daru at their head and of the French party among the Prussian noblesse who cabal against Stein and at last triumph in his overthrow.

Stein's family had been left at Nassau in the summer of 1807. He did not see them again till his time of greatness was over, though his sister Louise was much with him during those months. We find the Frau von Stein passing the winter at Frankfurt; in May she is again at Nassau, where she receives the visit of her sister, the Countess v. Kielmansegge. She is still there in June, when he writes thus to her:

Does Marianne think of visiting you? The society of my good excellent sister, who is good sense and gentleness itself, will do you good. I beg you, dearest, to make Wieler give you a daily report of the affairs of the estate, since you will have to burden yourself sooner or later with these details and this is the way to learn them.

And again with a clear presentiment of what was at hand:

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Who knows what is still reserved for us, and when the appointed cup will be drunk out? let us be prepared for everything, and look the future bravely in the face—it may still put us to hard trials. We must take care that Henriette's sensibility does not sink into weakness, and try rather to calm her both physically and morally, and accustom her to govern herself and not abandon herself to her feelings, since probably in her future condition her strength and courage will be more wanted than her feelings. I am charmed that you like Früchт; the lands are well farmed, the wood is fine and well kept, and I am particularly fond of this property; my parents are buried there. Pray write me whether Wieler has had a little enclosure made there near the churchyard; I want to put the coffin of my parents there and make a place for myself beside them, and surround it all with the red cedar, arbor vitae, Babylonian willows and a few cypresses.

In July:

Professor Heinrich's German History is well written, and less voluminous than Schmidt's. As to children's parties, we must avoid those that do not suit our children, especially those of the people that I have chiefly to see. There are private theatricals here in which young girls act. I don't approve of making children into play-actors.

In this month his mother-in-law is at Ems again and so close to her daughter; we note that Stein admires her still as much as we remember that he did fourteen years before.

On the 14th he writes:

In the uncertainty in which we continue to live I have taken a house for the time; one that you will like—here is the plan of it: the rooms have double windows and are good; there is a large garden which can even be used in winter.

This house, I suppose, is in Berlin, since the family are living in Berlin when Stein arrived there in December after resigning his office. There they were reunited, though only for a few days, after a separation of fifteen months.

I give here extracts from a letter to Stein written by Niebuhr on January 4th, 1808, from Berlin, because it gives us an early glimpse into the *fronde* which set the fashion in the capital.

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While *we* know that everything remains unaltered and that a settlement cannot take place at best for a considerable time, the well-disposed part of the public consoles itself with alternate rumours about the speedy departure of the French army and favourable expressions of the Emperor Napoleon about our preservation. But as the well-disposed make only a part and perhaps a minority of the actual public—I do not count the people—they are uncorrupted—it is commoner to hear views of the most utter hopelessness expressed with a definiteness that one is tempted in the spirit of these people to call actual certainty. It may indeed be true that very many in Berlin have gained by the general calamity, and are so deeply corrupted as not at all to desire the end of the present state of things; perhaps are even at once perverted and corrupted so deeply as to dread that moment. Still these can hardly be the persons one meets in society; these latter seem merely actuated by the unhappy ruling passion of the Germans for lazy slander, one of the most detestable traits that can disfigure a national character and one which assuredly the Germans cannot be acquitted of. It seems as if these people, without feeling for general well-being and the private happiness that flows from it, if they can only anyhow vegetate on, even without any lively desire for personal comfort and enjoyment such as in other nations rouses so many so often to action and exertion, are comfortable enough if they can only drag down everything superior, disturb all confidence, dissolve all allegiance. According to this set not only will our yoke never be broken, but it does not even matter whether it is or not; the condition of the people would only become more painful, for it is clear that the army will be retained at the highest point to which it can be forced by overstraining the resources of what remains to the monarchy and by utterly defrauding the public creditor; that the War Department will waste money and the civil service starve. This set gauges our political incapacity by the fact that the King has not yet joined the Confederation of the Rhine at all hazards; and each man selects according to his fancy a different measure of the Government, from which he draws the foregone conclusion of a wavering and blundering administration. Many bewail the unhappy frustration of those beneficial systems—first that of Haugwitz, then that of Zastrow. I do not know whether such a spirit is diffused through Germany; it seems to me deeply rooted here. It will take great rigour and a very decided tone on the part of Government to root it out. May we hope to shame and rebuke flippancy and malice by a firm and impartial sentence of banishment, not to be remitted in consideration of any connexions, both from the court and the higher internal administration? that it may be made a rule without any mistaken hesitation to trample out the spirit of discontent by imperious resolution, and paralyse it by an open declaration and definite detailed statement, in consideration of the extreme shallowness of the public, of the principles which are to be regarded as the spirit of the future administration. For example, it would certainly be necessary that the resolution of keeping up a small army should be announced in a credible manner to the public in some sort of official document. For scarcely any one is free from apprehensions of fantastic and unpractical overstraining on this side, and the most sensible find a strong confirmation of this in the retention of all officers from the ceded German pro-

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vinces, with the complete sacrifice of the civil service. People ask with an excusable hatred against the officers, whether they ought not rather to have been all dismissed, so that readmission into the service should be only earned by proved fitness and acquittal from well-grounded accusations general and particular.

He goes on to argue that the Government should publicly announce that it did not intend to keep on foot an army of more than 20,000 men; and then adds:

It is not to be doubted that our officers still dream ("think" would be too strong a word) of a great army on the old footing; the landowner, tradesman and peasant are to pay and suffer. Every limitation is a crime. This was the tone of Kalkreuth.

He then speaks of the learned world:

That our savants with the exception of Ancillon, Klaproth, and a few others (of those that are eminent) are not the best citizens or subjects, has been long shown. It does not surprise me, but yet it is sad for my science, philology, that Wolf too is now showing that his residence at Berlin, his wish for an appointment in an Academy to be founded here, were only shifts, while he thought his position at Halle at an end. He will write to your Excellency or has already written, about the offer that is now made him. It seems the worthy Müller wants to draw him away: their friendship is not surprising, since there can be no rivalry *of any sort* between them. Still, it is a great pity that we should lose the only thoroughly learned philologer now living in Germany. I recommend to your Excellency his treatise on the Knowledge of Antiquity as the most interesting thing, in the way of peaceful literature, that has appeared for a long time. I think we must determine not to see his blemishes, however black they may be, so as not to wish less to keep him. For one that he may infect morally by his conversation and utterances he will certainly advance many on the way to the higher life, *which leads only through antiquity*. I hope that will be considered, and that he absolutely cannot be replaced; moreover it does not look well to foreign countries if we let him be taken from us when it is possible to keep him. Even as to Müller's dismissal it were much to be wished that the whole course of the affair could be made known.

Hc adds that he has not been introduced to Daru:

For I thought it scarcely proper to let myself be introduced by Wolf, who visits him as a man of letters and is much courted by him, especially as I suspect Wolf of having had a share in the notorious creeping review of his

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Horace. If I had read it and wanted to flatter M. Daru, I might perhaps have won his favour.

Napoleon at Paris had not as yet reason to think Stein a dangerous Minister, and I find that Stein believed himself not to have forfeited his favour in January. But his immediate dependence was upon the King, who fortunately was not surrounded solely by the French party, but conversed with many, such as Scharnhorst, who were in every respect like-minded with the Minister. The student of history often has in his mind the proverb that "the heart of a king is unsearchable"; if it is difficult to form a trustworthy conception of any historical character, it is doubly difficult when the character is a king, for kings are alternately the subject of fond panegyric and spiteful abuse, but are scarcely ever judged fairly. It seems that we should be mistaken in supposing that the King had completely forgotten his contest with Stein at the beginning of the year, or that Stein's magnanimous conduct in the summer had been met with corresponding magnanimity. The least the King could do, we should think, was to concede the point about which Stein had declared himself so strongly and to dismiss Beyme from his counsels. This would seem more necessary than ever, for it was not to be supposed that Beyme's disposition towards Stein was made more favourable by the quarrel that had taken place, or that his dismissal was now a less essential point than it had been. It is indeed scarcely possible to imagine how Stein can have brought himself to concede the point, or to allow a minister to remain close to the sovereign's ear who might be supposed to be a sort of agent for the discontented party. Yet we find that though the King at the beginning proposed to send Beyme to Berlin as President of the Kammergericht, yet he retained him temporarily, and that as a matter of fact his departure did not take place till the beginning of June. Now Stein was himself absent in Berlin from the end of February to the end of May, and all this time his personal

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opponent remained at the King's side. This is a remarkable state of affairs, and seems to show several things; for instance, that Stein was after all not so very obstinate, that the King *was*, and perhaps that there was not very much harm in Beyme.

Nevertheless Stein did not think Beyme harmless and the old quarrel sometimes broke out again. Pertz gives the following letter from Queen Louise, undated, which preserves a trace of these quarrels.

> I conjure you, have but patience in these first months. The King will certainly keep his word; Beyme will go, but not till we are in Berlin. Let him have his way till then. For heaven's sake do not let the good cause be lost for want of three months' patience. I conjure you for the sake of the King, of the country, of my children, for my own sake! Patience!
>
> LOUISE.

So Beyme was to go to Berlin, but not till the King went to Berlin also! We do not gather from all this that Stein was likely to be protected from the attacks of the French party by any very cordial feelings towards him in the mind of the King himself. Still as the King was perhaps in practical matters a good deal in the hands of those about him, it is important to notice that Queen Louise evidently supported him warmly at the time when this letter was written. His position had still some strength so long as the Queen's voice echoed the voices of Scharnhorst, Schön, Gneisenau and the rest.

Queen Louise was as good as she was charming. But her virtues and graces were purely womanly; there was no touch in her of Queen Isabella or Queen Elizabeth. Her favour therefore was somewhat precarious. In the end, as Beyme between Stein and the King, so there came a certain Nagler between him and the Queen. Stein advised against accepting an invitation to St. Petersburg, which he considered likely to be too expensive in the circumstances of the country. But the Queen had set her heart upon it and this difference artfully used by Nagler is thought to have cost Stein the Queen's favour.

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It was not till near the end of the year that this happened, but I have thought it well to collect here all that throws light upon the basis on which Stein's power stood. It will be seen at once how unsafe it was so long as the State was not absolutely in extremity. At the same time the respect felt for his energy and capacity was great enough to support him in extreme public need. Had the King broken with Napoleon in the autumn Stein's power would have been firm enough.

CHAPTER VI.

NEGOTIATIONS.

PIERRE Antoine Bruno Daru, at this time Intendant General of the Grand Army, was one of the few men of the Napoleonic régime who made a name in literature. He was known principally as a poet, having published in 1800 his "Traduction en vers des poésies d'Horace," and also his "Cléopédie, ou la théorie des réputations en littérature." It was not till the period of the Restoration that his great historical works were published. The "Histoire de la République de Venise" appeared in 1819—21, and the "Histoire de la Bretagne" in 1826. He became a Peer in 1818, and died in 1829, at the age of 62.

This person now represented Napoleon at Berlin. A commission had been appointed to negotiate with him on the pecuniary claims of France and the evacuation of the territory left to Prussia by the French army, which consisted of 157,000 men. On Sept. 26th, 1807, that is, about a week before Stein's arrival, Napoleon wrote at Fontainebleau the following letter to Daru. (Corr. de Nap. I., 13186.)

M. Daru,—I am in receipt of your letter of September 18th. I beg you not to sign the definitive treaty about the contributions till you have submitted it to me. My *sine qua non* is, first, a hundred and fifty millions; secondly,

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payment in good commercial paper; and if that is impossible and I must content myself with the King's bills it is my intention to hold the places Stettin, Glogau and Küstrin with 6,000 men as a garrison in each of them, until these bills are fully met, and as these 18,000 men would occasion me additional expense, it is my intention that the expenses of pay, provision, dress and board of these 18,000 men should be charged to the King.

You must speak strongly to the Ministers of the King of Prussia. What is going on at Memel seems to me a bad joke, and certainly this is no occasion for it. You must declare that if they wish to pay they can find the means. The King of Prussia has no need to keep up an army; he is not at war with any one. . . .

I think I have already* instructed you to notify that if these conditions are not accepted you will declare null the article of the treaty which relates to the convention of evacuation, and put distraint on the revenues of the months of September and October for the use of the army; in fact, it is my intention in this case to take possession of all the revenues.

NAPOLÉON.

This letter throws a flash of light upon the relations of Napoleon and Prussia. The question which Daru and the Commission were to examine together, namely, what was the sum due to France under the Convention, is here settled by Napoleon beforehand without any examination, and he proposes to enforce his claim by naked force. The sum he names is a hundred and fifty million francs, and if he had named ten or a hundred times as much the effect would have been the same. One sum was as good as another so long as it was more than Prussia could pay, and therefore kept her permanently in the condition of an insolvent debtor. It was left to Daru to supply the calculations of which his master had thus dictated the result, and he was found equal to the task. At the end of October arrived in Memel a proposal that the French army should evacuate the territory, reserving five fortresses with garrisons amounting to 40,000 to be supported entirely by Prussia, on payment of 120,000,000 fr., half in money and half in domain lands. An excited letter from Queen Louise comes to Stein on the receipt of this proposal, begging him to come and comfort her and concluding, "God! where are

* See Corr. de Nap. I., 13147.

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we? what will be the end? Our sentence of death is pronounced." Thus was the problem presented to Stein which occupied him throughout his term, a problem which, be it always observed, was entirely new and was not contemplated by him when he took office.

Daru's proposal seemed to leave no prospect to Prussia but that of remaining a conquered country, whether it were accepted or rejected. In the latter case the occupation would continue and the current revenues would be appropriated to the army; this was a condition much worse than that of most conquered countries, for in what conquered country is a hostile army of 157,000 men supported out of the resources of a population of less than 5,000,000? In the former case not only was a hostile army of 40,000 to be kept up, but a large part of the land of Prussia was to pass into the proprietorship of the French Government, which would involve the introduction into the country of a colony of French officials.

That Napoleon was by no means content with humbling Prussia, but meant to reduce her still further, if not entirely to annex the country, will appear, I think, to the reader, if he will consider the above letter and compare it with the following, written on November 7, to Savary, his representative at St. Petersburg:

> M. Tolstoi (the Czar's Ambassador newly-arrived in Paris) spoke much to me of the evacuation of Prussia. I told him I desired it too, but the Prussians brought nothing to an end, that I was waiting till the arrangements should finally take place, and that that would happen soon. I added that it was no doubt part of the policy of Russia to keep Wallachia and Moldavia, and that if that was Russia's plan, as a matter of compensation I should keep some provinces of Prussia. (Corr. de Nap. I., 13339.)

Thus it is evident that Prussia was in these months on the very verge of destruction, for, diminished as she had been by the treaty, the loss of more provinces would have been equivalent to destruction. Stein did not see the letter just quoted, but he must have seen enough to enable him

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to form his conclusions. In these circumstances nothing was left for the Prussian Government but on the one hand to endeavour by every means to shake Napoleon's purpose and induce him to abate something of his cruelty, and on the other hand to strain all the resources of the country to the utmost in order to satisfy his pecuniary demands. This was Stein's task, this and not legislative reform. How he performed it we are now to consider, under the two heads of his negotiations with Daru and Napoleon and his financial expedients. We shall be summary in this part of the subject because, as has been said, Stein's efforts were all in vain, except so far as they involved or were closely connected with measures of permanent reform.

In studying this diplomatic and financial struggle of Stein's, it is difficult not to yield to the suspicion that it ought to have been recognized as hopeless from the very beginning, and rather avoided than energetically undertaken. How could they hope to change Napoleon's purpose? Could they prove to him by arguments that he would not gain by the annexation of Prussia? Or could they convince him that it was better for him to take less money than it was possible to extort? On these heads they could tell him nothing that was likely to move him, nothing that he did not know before. It seems as if the Prussian statesmen considered that his course would not be determined by a mere calculation, but that sentimental or moral considerations would influence his mind, that something might be gained by showing that he demanded more than was really due, or by pleading the distress of the country and appealing to his compassion. They seem to have dreamed that Napoleon may have been like those old warriors described by Homer, who

δωρητοί τε πέλοντο παραρρητοί τ' ἐπίσσειν.

They had not yet learned to appreciate his thoroughness or to understand that he would have reproached himself with the most contemptible weakness if he had yielded to any

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such feelings. To us his object seems to have been to absorb the country into the Confederation of the Rhine as soon as the Czar would permit him, and in the mean time to draw the largest possible sum of money from it; the only arguments therefore to which he was accessible were those drawn from the dispositions of the Czar and—had it been possible, which it was not, to urge such an argument—the likelihood of provoking a formidable rebellion in Prussia, if oppression were carried beyond a certain point.

If this were so, and Napoleon would certainly go in any case as far as his fear of Russia or of the other enemies of his empire would allow him, it seems to follow that it was the interest of Prussia to pay him as little rather than as much as possible. Every penny paid to Napoleon went to strengthen the enemy of Prussia, and therefore ought to be withheld unless it contributed to extinguish Napoleon's claim. The sequel seems to show that it had no such effect. Up to 1812 he went on making demands, and it seems likely that it was his plan to make an end of the whole relation in that year by the annexation of Prussia. It follows that all the money paid to Napoleon between 1807 and 1812, beyond the sum absolutely necessary to appease his anger, was thrown away. This is as much as to say that the only redemption of Prussia lay in a new war with France, and that it was so became before long the conviction of Stein.

The measures adopted in order to propitiate France were, first—and perhaps this was the only effective measure—to procure the intervention of the Czar. The language used by Alexander in December to Caulaincourt, the new ambassador at St. Petersburg, was firm and strong, and could not fail to impress Napoleon. He said:

> The Emperor Napoleon has spoken to Tolstoi of Prussia; that has given me pain... I cannot consent to share the spoils of an unhappy prince whom the Emperor Napoleon has displayed to France and to Europe as restored out of consideration for me. King Frederick William cannot in honour cease to be my ally till he has been put in possession of all that the Peace restores to him.

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The next course was, proceeding on the false supposition that it was Daru himself rather than his master who was so pitiless, to appeal to Napoleon against him and seek the help of Daru's enemies. It is apparently under this mistaken impression that Stein, writing in December to Hardenberg, speaks of "this monster of a Daru."

One difficulty which arose from the necessary refusal of the Government to accept Daru's proposal of October came from the inconceivable French party at Berlin. As Kalkreuth had signed without hesitation in the summer that convention from which Napoleon had drawn such enormous consequences, so now Zastrow was indignant that there should be any hesitation in accepting the terms offered. He charged the Commission with conducting the negotiations with Daru in a too legal spirit, and if this meant that it was absurd to expect France to limit her claims by her rights, there was some ground for the charge. It was in fact a servile repetition of Daru's own declaration: "Il s'agit ici d'un calcul de politique et point d'arithmétique." Stein however was obliged to send in a refutation of Zastrow's arguments, and he here offered, if his Majesty thought that a person of greater rank and knowledge of language should be added to the Berlin Commission, to go himself to Berlin and conclude an arrangement.

Meanwhile it had been determined to appeal to Napoleon himself, by sending the King's youngest brother, Prince Wilhelm, on a special mission to Paris. These two negotiations then took place in succession: that of Prince Wilhelm in January and February, that of Stein with Daru in March, April and May.

The mission of Prince Wilhelm had so little success and produced so little impression that we must not linger upon it. The object of it was to dissipate the prejudices Napoleon had conceived against the King and Queen, to procure a reduction of the contribution to 40,000,000 francs to be paid in a year, and to offer in return an alliance, and, under certain conditions, military assistance. The Prince was twenty-

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five years old, and Stein proposed to give him more importance by nominating him War Minister, but this suggestion was not adopted by the King. Another proposal, that the daughter of Joseph Bonaparte, then King of Naples, should be asked in marriage for the young Crown Prince, afterwards Frederick William IV., was condemned by Stein as immoral and degrading.

The Prince took his departure, and was joined at Frankfurt by Alexander v. Humboldt, who accompanied the embassy and gave it the lustre of his renown, then in its first freshness. Napoleon was absent in Italy, and did not return till the new year had begun. He then gave him audience but refused to enter upon business, referring him to the foreign minister Champagny, while Champagny for his part declared that he must await the conclusion of the Berlin negotiations with Daru. Thus the mission failed completely, and in such a manner as to make it pretty evident how firmly fixed were Napoleon's intentions with respect to Prussia. An innocent flight in which the Prince indulged, and which it appears had been meditated between him and his young wife even before they left Memel, of offering himself and his Princess as hostages until the debt was paid, may have caused Napoleon a momentary embarrassment. He refrained however from asking what advantage he should derive from the detention of the Prince, or how it would compensate the pecuniary sacrifice involved in withdrawing his army from a country where they were supported at the expense of the inhabitants; and escaped from the difficulty with a very tolerable grace by embracing the Prince and saying, "This is very noble, but it is impossible."

Stein had heard from the Princess of the plan which the young couple had formed, and wrote the Prince a letter of advice with respect to it.

Napoleon (he says) will admire your conduct very much and so far it will do good, but he will not evacuate the fortresses, for they afford him a basis of operations against Russia and Austria. In the nature of things a security that the weaker shall perform his engagements to the stronger is not necessary;

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accordingly something else must be in view when securities are required, and this will not be attained by pledging one's person or the like, and accordingly it is not to be expected that such an offer will be accepted.

This letter came too late; it doubtless gives the common sense of the matter, but the Prince and Princess were much consoled for the failure of their mission by the consciousness of their heroism. For the Princess Stein seems to have conceived a warm admiration; and she for her part writes to him as one "whom she prizes and loves infinitely."

In the same letter, dated February 19th, Stein mentions that the King has sanctioned his plan for going in person to Berlin to conduct the negotiation with Daru, and that he is to start in the next week. His reasons for resolving on this step lie before us. He does not think it likely that Napoleon will abate much of his claims, for he remarks:

The Emperor Napoleon treats his brothers' States with no more forbearance than Prussia. Holland has had to pay 10,000,000 livres for East Friesland... He takes to himself half the domains of King Jerome. Is it likely that he will withdraw either wholly or partially his claims on Prussia for contribution or domain lands? that he will deprive himself of the means of increasing by grants of land his influence in Germany, and the number of his adherents?

He then quotes instances to show that it is not impossible Napoleon may content himself with drawing revenues from the country, and may not insist on possessing domain lands. However, he continues.

Should he insist on appropriating domains to the value of 50,000,000 livres, even then it will be wiser to allow the claim than allow the State to continue longer in its present condition of dissolution... As to my journey to Berlin, I should not like to appear as a negotiator without a clearer knowledge of the state of things there. If it proves impossible to come to an arrangement on account of the hardness of the terms offered, my participation will be useless. My journey will be useful, because by residence in Berlin and conversation with the persons busy there I shall get a new and livelier view of things, because the public will see in it a new step to relieve their sufferings, and perhaps during our intercourse means will present themselves of influencing M. Daru. If the arrangement is concluded during my stay my presence will be useful, since the measures to be adopted in fulfilment of our engagements will then be

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more promptly carried into effect... In case, however, M. Daru should prefer concluding the arrangement with me rather than the Commission, it is desirable that I should be furnished with full powers to settle, which I might use in the circumstances described.

In short he went to Berlin, as he himself tells us, "in order not to leave untried any way of alleviating the condition of the Prussian Monarchy." It was important to satisfy public opinion, but that anything could be accomplished at Berlin he does not himself seem clearly to believe. What was the use, it may be asked, of influencing Daru? The man whom it was important to influence was Napoleon. And again we may ask with great confidence after the event, What would be the value of any arrangement concluded with Daru? If it was not such as to satisfy Napoleon, or in other words as unfavourable as possible to Prussia, it would be null and void as a matter of course.

Meanwhile did Stein consider the risk he ran in leaving Königsberg? That he says nothing of it in the paper just quoted is no proof that he did not, for that paper was addressed to the King and therefore could not deal with such a question as the possibility of losing ascendancy over the King by absence. But as Stein's power depended entirely on the King, it seems surprising that he should have thought it judicious to leave him for several months together, and so allow him to fall under the influence of his old antagonist, Beyme, or of the courtiers. But perhaps he hoped on the other hand to overawe the French party in Berlin by his presence; or perhaps he judged that his ascendancy over the King actually gained by not being obtruded, and that the King would grow used to it the more easily by being relieved for a time from his too commanding presence. At any rate, we cannot trace that any ill effects did actually follow from Stein's absence; when he returns to Königsberg at the end of May his influence appears to be as great as ever.

No doubt it was worth while to procure the good will of Daru, even at some sacrifice. It was perhaps doubtful

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whether his influence with Napoleon would be of any positive use to Prussia, but it might, no doubt, if actuated by ill-will, do her much harm. And he was now greatly incensed. The most important member of the Berlin Commission with whom he had hitherto negotiated was the Privy Councillor Sack, and he was not even an Excellency! During the last two months Daru had been passed by altogether, and a vain attempt had been made to appeal from him to Caesar. In itself, therefore, and for the immediate purpose of propitiating Daru, the measure now adopted was excellent, and it proved fully successful. It was a most complete atonement to him, that the Chief Minister of the State should actually abandon the Court and come to live for three months as a kind of Ambassador in Berlin, now a French town under the government of Daru.

It was not believed at Berlin that Stein would shine in diplomacy. He, so famous for angularity and irritability, and who seemed to have been named in some foresight of his immovable obstinacy! If there was another man in the country as obstinate as himself it was probably Daru, who, they remarked, was also named Pierre. What was to be expected from the encounter of the two Rocks!

Stehen wie Felsen doch zwei Männer gegen einander.

But these forebodings were not realised. Stein was remarkably and easily successful, so much so that though he only reached Berlin on March 4th the treaty was signed and in the hands of a courier for Paris on the 9th. It was a treaty which saved Prussia from the necessity of yielding domain lands to France, and provided for the evacuation of the territory at the end of April.

Not, we may be sure, without concessions, great concessions, the degradation of which Stein would feel more bitterly than most men, was this point gained. He had to emulate the tameness of a Haugwitz, to witness daily wrongs done to his country, and at times himself to obey Daru's orders, and this not only without complaint, but while he

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lavished marks of distinction upon Daru. At his instance, it is said, the Berlin Academy named the translator of Horace along with Laplace and some others an Honorary Member. Even Stein, the proudest of men, was forced to recognize that for the time the national pride was humbled.

But when Daru's jealousy had been soothed and a tolerable arrangement made with him, Stein came in sight for the first time of the real difficulty. Would Napoleon ratify the arrangement? Nay, why should he consent to remove his army from Prussia, when it not only served there to overawe Austria and Russia but was supported at the expense of the country? Accordingly for some time Napoleon returns no answer. He then declares the security insufficient and demands more. This claim is admitted at the end of April, and then he relapses into a silence which is not broken till August 20th, at which date all the circumstances have been altered by the Spanish Insurrection and the Capitulation of Baylen. In other words, Stein's mission, successful as it seemed and indeed was so far as he could make it so, is in the end completely frustrated by the difficulty which he had been aware of from the beginning.

Meanwhile let us ask ourselves from what resources Stein had drawn the sum he had been able to offer Daru.

It is a notable peculiarity of Stein's career that he meets immediate necessities by measures which have lasting and far-reaching effects. In the case of the Emancipating Edict this has been pointed out; personal liberty, free trade, freedom of vocation, are there used to relieve the temporary distress which had been brought upon the country by the war. We have occasion to remark it again when we consider the financial expedients he has recourse to in order to pay Napoleon. The enemy himself had called his attention to the royal domains by proposing that if the Prussian Government could not find money it should make a cession of the lands at its disposal. Considering the extent of the domains and the great revenues which the State drew from them, the occupation of them by France would have been

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nothing less than a commencement of annexation. But it was true that in these domains the Prussian Government had value more than sufficient to meet the French demands, for they were estimated to be worth 60,000,000 thalers. Now there were other ways in which this wealth could be applied to the payment of the French debt besides that of simply handing it over to the foreign creditor. It was possible, in the first place, to raise money on it by way of mortgage. This was somewhat more easy than such an operation might be expected to be in a country where credit was still in its infancy. For the distress which had fallen on the landowners after the Seven Years War had brought into existence Mortgage Societies, which had first commenced in Silesia, where they were suggested by a man named Büring, and had afterwards spread to the other provinces of the Monarchy. They had for their object to facilitate by means of the principle of association the raising of money by the landowners on the security of their land. This machinery could now be used by the Government; in each Province the Royal Domain might enter the Mortgage Society. Objections were made, particularly by Schön, to this course, but they did not convince Stein, and he succeeded in raising more than 70,000,000 francs in this manner. Fifty-three millions more he raised by bills, which he prevailed on merchants at Breslau, Stettin, Elbing, Königsberg, Memel, and bankers at Berlin to accept; and it was thus that he was enabled to make the arrangement just described with Daru.

But there was another use to which the domains might be put. To part with them to a foreign Government would no doubt be fatal, but parting with them for a price to Prussian citizens, or even to Germans outside Prussia, was not open to the same objection. What was lost by the Government would in that case not be lost by the nation. The revenues of these lands would no longer flow into the coffers of the State, but neither would they flow out of the country. They would pass into the pockets of the citizens, from

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which, if necessary, it was possible for the Government to recover them by taxation. And was it not in itself desirable that this change should take place? Even if no foreign creditor pressed, would it not be a step in advance for the Prussian Government to give up this old-fashioned method of raising a revenue? The innovation would no doubt be great, it would be such as in quiet times no Minister would readily propose; but on the other hand, was it not one which when adopted in a moment of necessity, would not only be sufficient for the immediate purpose, but would continue permanently so beneficial that the necessity itself might be blessed which led to its adoption? This was Stein's opinion. He held that the national wealth would be increased by giving up the domains to private industry on the economical principle that the sense of property is a spur to industry, and he also considered that the domains did positive harm by confusing the arrangement of administrative affairs, and by corrupting the officials. He writes, that "the results of experience have everywhere confirmed the conclusions of theory, and agriculture flourishes most in the countries where there are no domains. . . ."

It will be evident, however, that the scheme of selling the domains, though likely to be permanently useful, would not furnish any great supply for the immediate wants of the State. For not only did the legal arrangements which were necessary before anything so serious as the alienation of the ancient estate of the Hohenzollerns could be commenced require time, but it was evident that the sale itself when commenced must be slow and gradual if the land sold was not to sink in value. To throw so much land into the market at once was the surest way to depreciate it, and indeed it was not judicious to sell at all at a moment when there was so little money in the country. Accordingly the sale of the domains, though it was fairly initiated by Stein and occupied him throughout his Ministry, yet did not and could not make much progress in his time. Only the indispensable preliminary step, namely, the enactment of a

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so-called Domestic Law, which should be signed not only by the King but by all the descendants of Frederick William I. who were capable of succession, and which should sanction in certain defined circumstances the alienation of the domains, was brought to an advanced stage before Stein retired. The draught of this law was sent in by the Chancellor v. Schrötter on November 4th, 1808. In the last days of his Ministry Stein was occupied in mending this draught so as to avert the danger of such waste of the Crown Lands in capricious royal grants as he had no doubt read of in his favourite English history; but the Domestic Law was not actually completed and signed until Nov. 6th, 1809, that is, a year after his retirement.

It may be supposed that attempts were made to raise money by foreign loans. In more modern days Governments much less respectable and hardly less distressed have found the means to possess themselves of some part of the vast accumulation of capital waiting investment, particularly in England. But the time of foreign loans had then hardly arrived, and the fear of Napoleon would not allow London to be thought of. Niebuhr, however, was sent to see what he could do at Amsterdam. He left Memel in November, 1807, and after a journey which, in his description of it, seems to have been almost as dangerous as his father's travels in the Arabian desert, reached Berlin. How he found matters there the reader already knows. He arrived at Amsterdam early in March, and remained there till after the fall of the Minister who had sent him. King Louis received him well and inspired him with high admiration, but he made little way among the capitalists. While the world changed so much from year to year, and no one could guess at Napoleon's plans, it seemed no time for lending money to Governments. Just as he was on the point of departing, indeed, the bankers changed their tone and began to encourage him. He attributed this to the influence of Napoleon, whose interest, as we have remarked all along, was to preserve Prussia from absolute bankruptcy until he was ready to absorb her. Niebuhr now made progress and soon

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wanted nothing but the King's consent, which at that time was necessary in Holland in such a case. But this was refused on the ground that money could not be allowed in such times to go out of Holland; and in the spring of 1809, just while the campaign of the Danube was proceeding, Niebuhr was on his way back to Berlin. This mission of Niebuhr's is but a specimen of many similar attempts which the Prussian Government made at this time, always with the same ill-success, at Altona, at Frankfurt, at Paris.

There remained the method of increased taxation, which in the exhaustion of the country the Government resorted to most unwillingly. We have seen how little it had hitherto been the practice in Prussia to depend upon taxation for the means of meeting extraordinary needs. Since 1667—when the Great Elector after twenty years of perpetual quarrelling with the Estates succeeded in imposing a permanent Excise upon the towns, and so laid the foundation of Prussia's military greatness—taxation had existed, but it had been little developed, and the financial science of the Hohenzollerns had always occupied itself by preference with increasing the revenue of the domains. Their instinct, no doubt, showed them that this was the proper path of despotism, and that increased taxation led by a direct road to constitutional government. But in the present crisis all such scruples were vain. The King could no longer save the country, the nation must be called on to save itself; and what, when the crisis was over, the nation might demand of its sovereigns in return must be left to chance. The close connexion between new taxes and deliberative assemblies was visible from the first. Taxes were not imposed upon the whole country by arbitrary edict, but a separate arrangement was made for each province, and wherever Estates still existed the arrangement was made through them. The financiers of that time would be likely to look to Pitt for lessons in war-taxation. His income tax had been proposed in 1798 in a speech which had attracted the attention of foreigners. Mallet du Pan wrote of it thus: "From the time that deliberative assemblies have existed I

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doubt whether any man ever heard a display of this nature equally astonishing for its extent, its precision, and the talents of its author. It is not a speech spoken by the Minister; it is a complete course of public economy: a work, and one of the finest works upon practical and theoretical finance that ever distinguished the pen of a philosopher and statesman." Mr. Gladstone has pointed out that "if there had been resolution enough to submit to the Income Tax at an earlier period our Debt need not at this moment have existed." In 1806, the very year of Prussia's disasters, when Stein's financial studies must have been most anxious, the arrangements of the English Income Tax were revised and made much more effective. We may therefore be prepared to find an Income Tax now introduced in Prussia; in discussing the mode of raising it Stein expressly refers to the experience of England. On February 13th appeared an Edict imposing it in the Provinces of East Prussia and Lithuania, and establishing the machinery necessary for raising it. It was also introduced in West Prussia. Silesia took a course of its own under the active guidance of a certain v. Massow. A Property Tax was there established, and Stein recommended the same course to the Marks and Pomerania.

It may seem surprising that the provinces of a country ruled despotically should act with so much independence. The truth is that the pressure of French tyranny threw them back upon themselves, and made it impossible for them to wait for orders from head-quarters. In this temporary abeyance of the central authority, in this liberty introduced for the moment as a kind of provisional arrangement, and still more in the necessity of financial innovations, lay an opportunity which Stein was not likely to let slip of wiping away from Prussia the reproach that she "had no Constitution." In his brief summary of the policy of his Administration we find him noting that "the King was already inclined to the formation of Estates General and took counsel in many cases of the existing Provincial Estates."

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PART IV.

MINISTRY OF STEIN.—TRANSITION.

My sentence is for open war; of wiles
More unexpert I boast not: them let those
Contrive who need or when they need, not now.
MILTON.

CHAPTER I.

THE SPANISH REVOLUTION.

WE are now arrived at the point in Napoleon's career which in a historical tragedy founded on the story of his life would make the natural commencement of the Fourth Act. We may suppose the first two acts of such a play to be occupied with his rise to supreme power, and the second to close with the Peace of Lunéville. The hero is left as First Consul in possession of the great conquest of the Revolution, the Left Bank of the Rhine, and holding the proudest position ever occupied by a man of the people at the age of thirty-two. The third act would bring us to the Peace of Tilsit, and leave him still in the enjoyment of the same unprecedented prosperity, but an object now of universal alarm, having brought to an end the Empire, humbled Austria, and crushed the army of Frederick. By this time the spectator is brought into the state of mind suitable to tragedy; he is full of troubled astonishment and misgivings about the ways of Providence. And now the fourth act when it begins shows still further advances in

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the hero's power and success; but these excite wonder no more, for partly that passion is exhausted and partly it was evident that power raised so high could not fail by a kind of momentum to rise much higher; the absorbing question now is to conjecture what point Destiny has reserved, where is the vulnerable heel, or what circumstance, probably insignificant at first sight, can convert a series of good fortune so long and uniform into a tragedy. We have arrived now at the very moment when the thwarting power for the first time visibly intervenes, and some of the most anxious spectators see with a thrill of joy their long suspense relieved, the fatal uniformity of bad fortune broken; when here and there a few venture to say that they see now what Providence was aiming at, and can once more believe in a Providence; when a few, and Stein among them, begin to understand not only that Napoleon will fall, but also how he will fall.

In such a historical play as we have imagined, the second act ending with Lunéville would exhibit Napoleon restoring the throne of Louis XIV., and the third act would show him reviving that of Charlemagne. Lunéville places him at the head of a restored French monarchy with an extended frontier; Tilsit secures him in the headship of a Western Empire which showed by the side of Russia like that of Charlemagne by the side of the Byzantine Empire. The fourth act sees him leaving all precedent behind, but at the same time it gradually brings to light an obstacle which he proved unable to turn or remove.

A new formula was wanted in this period, which should do what in the third period had been done by the conception of reviving the Empire of Charlemagne. The name of Charlemagne had helped men to grow accustomed to think of France, Germany and Italy as united under one ruler; the object now was to lead them to think of the whole Continent as united in the same way. The natural antithesis to the Continent was England, and so "War against England," or "the Continental System," became the watchword of this

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fourth period. By putting adhesion to this system into all his treaties Napoleon now acquired a certain footing of authority within every state including even Russia. Everywhere this system gave him a right to interfere with the internal affairs of government. The States which have given their adhesion to the Continental Blockade form a sort of wider Confederation of the Rhine, and by his right of enforcing this blockade Napoleon is now in all Europe what before as Protector of the Confederation he had been in Germany.

Thus was England called to contend, as it were, on equal terms against the whole Continent. It was the first plain indication given to the whole world of the approach of a period in which the old states of Europe would take up a secondary position compared to great Empires extending into the other Continents. England, Russia and the United States are now all alike Powers belonging to a higher scale of magnitude than the greatest purely European states. In that age it was England alone that stood out in this way, and to no one was this view more familiar than to Napoleon. His Egyptian expedition had shown long before how little he limited his views to a European supremacy, and how jealously he regarded the Asiatic conquests of England. His formula of War against England was none the less seriously meant because it had also the indirect advantage of uniting the whole Continent under his ascendancy. But it was not England as a European State that he sought to rival or crush, but England as a World Empire. The failure of the Egyptian expedition and the destruction of the French fleet had for some time obliged him to abandon these designs and confine himself to aggressions upon Germany, but after Tilsit he returned to them with new hope. It was in his power to furnish himself with new weapons against England. He could replace the lost fleets of France by those of the minor maritime Powers whom he could now force into war with England; he could take more complete possession and control of the fleets, such as that of Spain,

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which had already assisted him; and there was a third way by which he could at once enter into rivalry with England, if not take precedence of her, in the extra-European world. France had failed as a colonising Power, but the Napoleonic Empire was no longer France and was under no necessity of putting up with the colonial insignificance of France. It was nearly equivalent to Western Europe, and Western Europe taken together was greatly superior to England in colonies. Spain and Portugal between them possessed almost the whole of Southern and Central America, an Empire compared to which that of England was both in extent and natural wealth insignificant. What now lay between this vast Empire and Napoleon? It could be conquered, so he might think, without the trouble of crossing the Atlantic; it could be conquered in Spain and Portugal themselves. Spain was already an ally completely subservient, a client state as humble as Bavaria, while Portugal, as the ancient ally of England, might be attacked with little ceremony, and was so weak that it could no more resist than any one of those numerous German or Italian states, such as Brunswick, Hannover, Electoral Hessen, Sardinia, Venice, or Naples, which had already suffered partition, annexation, or whatever lot France found it most expedient to consign them to.

These considerations enable us to understand the course taken by Napoleon at the beginning of this his fourth period, that is, in the months following the Peace of Tilsit, the months measuring the earlier half of Stein's ministry. His objects are to get possession of the fleet of Denmark, to annex or partition Portugal, and to get complete control of Spain.

The critical question for him was what form of control to establish over Spain. Spain had been but lately one of the Great Powers, and to usurp such a complete possession of her government as Napoleon had in view was a more serious undertaking than if she had been on a level with the

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minor German or Italian States. Much risk would have been avoided if he could have treated Spain as he treated, for example, Bavaria; if he could have given her the position of an honoured ally sharing his glory and his gains, receiving for instance a principal share in the spoils of Portugal, as Bavaria did in those of Austria, on condition of placing her army and navy completely at his disposal. By this plan it may seem he would have reaped at once the principal advantages to be gained by the possession of Spain, and by slow degrees he would have gained all that he could possibly desire, and seen Spain gradually merge her independence and distinctness in the greatness of her ally. When such an easy course was open to him, why did Napoleon adopt a totally different one? Why did he treat Spain as an enemy rather than as an ally, and try to control her not as Bavaria, but as the territories conquered from Prussia and Hannover and Electoral Hessen, which he erected into the Kingdom of Westphalia under one of his brothers? Why did he insist upon setting up a Bonaparte in Spain also, and that not by the right of the stronger after conquering the country, but while the country was still unconquered and by an act of outrageous violence and treachery?

It was not only a great mistake, but the great mistake of Napoleon's life; it was the very mistake for which all his enemies had long been eagerly waiting. That it was this, and that the consequences of it affected all Europe, and Prussia among other states very speedily, is my reason for making it so prominent here. But it is also a reason why we should take peculiar pains to understand how Napoleon came to commit it. It is with the *blunder*, of course, not with the *crime* that we are concerned. In its monstrous lawlessness the act is only of a piece with the whole foreign policy which Napoleon inherited from the Revolution. But it was a great miscalculation made by a very accurate reckoner, and the danger here, as in Napoleon's other mistakes, is of our putting up with the childish quasi-poetical explanation furnished by the heathen proverb of "Quem

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Deus volt perdere," &c. His conduct here was no doubt Napoleonic; but it will not be found that there was anything of infatuation in it, or that he simply indulged in a freak of omnipotence. He took a course such as might have been expected of him, and such as he had found successful before, and if he made a fatal mistake it was not because an infallible judgment slumbered for a moment, but because his judgment was fallible; not from a momentary aberration but from a want of sagacity. What was it then in politics that Napoleon did not know and could not understand?

I have pointed out how vastly important the possession of Spain was to Napoleon, as carrying with it a sort of hegemony in the New World. There were other considerations which tempted him not less. First, the ships and sailors which Spain could furnish were of most essential importance in the maritime war with England, and would remain as a great acquisition even if he failed in getting possession of the colonies along with the mother country. Secondly, the displacement of the ruling house in Spain would be a final blow given to the House of Bourbon, and we know with what persistence Napoleon always pursued the design of rooting out the dynasty to whose place he had succeeded in France. Thirdly, it would give an opportunity of repairing a serious loss which France had suffered through her Revolution, the loss of the ascendancy of her ruling house over the kindred ruling house of Spain. It was true that France had scarcely as yet felt the loss, and that the miserable Spanish Government had ever since 1795 been as subservient to France as it could have been if France had still been ruled by a Bourbon. But this might not last; in particular, since a new king mounted the Spanish throne after the Revolt of Aranjuez in February, 1808, Napoleon might have reason to fear the defection of Spain from his policy; and in any case, he who had risen so far beyond Louis XIV. in other respects might naturally desire to have the same ascendancy in Spain which Louis XIV. had enjoyed, or would at least be strongly tempted by an

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opportunity of acquiring it so remarkable as that which now offered.

Now these considerations urged him to deviate from the policy he had pursued towards the minor States of Germany. Substantial ascendancy might suffice him in his relation to Bavaria or Würtemberg, but the case was different in Spain, where the sovereign was a Bourbon. There his views required the actual expulsion of the Bourbon and the substitution of a Bonaparte in his place. But it is to be added that Napoleon had tried for several years the plan of treating Spain as he treated his vassal States in Germany, and that it did not answer. He had long used the fleets of Spain at his pleasure. But the misgovernment of Spain was such that he derived little advantage from its subservience. Its debt had increased in the twenty years of Charles IV.'s reign by five thousand millions of reals, the interest of which now swallowed up more than a third of the revenue. The fleet, which under Charles III. had consisted of 76 ships of the line and 51 frigates, had sunk to 33 ships of the line and 20 frigates, which moreover were in such a condition that only six ships of the line and four frigates could put to sea. In the hands of Godoy government had sunk into such neglect that the new Ministers who surrounded Ferdinand after Godoy's fall could not find in the public offices any information about the state of the establishments! The alliance of such a country could be of little use to Napoleon, even though its dependence were as complete as that of the humblest member of the Confederation of the Rhine. What he wanted was the complete control of its resources.

What then should hinder Napoleon, whose army in this year 1808 stood at 900,000 men, from disposing as he pleased of a neighbouring State, which had allowed its army to sink into utter dissolution? It may be thought that if not morality yet the necessity of paying some respect to public opinion would deter Napoleon from the extreme of violence and perfidy to which he proceeded at Bayonne, and that his utter disregard of appearances marks the beginning of a

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mental intoxication. Of his many usurpations this was the most daring; he was now putting out his hand to take possession of an empire, of a large part of the planet, of all that remained of the dominion of Charles V.; surely policy demanded that the lawlessness of the act should be veiled under all the decencies that could be invented. This is true, but yet it is to be remembered that this act may have seemed to Napoleon likely to strike mankind as so eminently useful and beneficial, that they would readily forgive a certain peremptoriness and rude irregularity in the mode of performing it. That was an age of international lawlessness, and the revolutionary school that Napoleon represented took a kind of pleasure in breaches of moral obligation that could be represented as tending to the general good. "La petite morale est l'ennemie de la grande," the favourite maxim of Mirabeau, was also that of the whole revolutionary school. Napoleon had often cynically and impudently abused it, but in this particular instance his conduct has a right to all the benefit it can derive from whatever plausibility the maxim may have. If it is enough to allege in defence of any action that it will do a great deal of good, which of course it is not, then this particular act was more defensible than most acts of Napoleon's. It seems to have been all along his calculation that the reform of abuses in government would be a sufficient atonement to public opinion for all the usurpations he might desire to commit. In short, it was his political secret to disguise the conqueror under the reformer. Now in his whole life he never saw a fairer opportunity of doing this than now in Spain. There was no dispute about the corruption of the Spanish Government; there was no question that it was the worst government then existing, and the evil was the more intolerable because the country was so great and had under the last king held so high a position. There could be no doubt that Napoleon would in a short time revive in Spain agriculture and commerce, restore the finances, break the yoke of the noblesse and church, and introduce all the enlightenment which had hitherto failed to

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penetrate the country. He would be a reformer like Charles III., but infinitely more efficient, because his reforms would be supported by the power and reputation of the French empire, instead of depending upon the favourable opinion of the Spanish population itself. It might almost seem that for States so lost as Spain then was there is no possible redemption but through deliverers like Napoleon, and that a Spanish patriot of that time might have paraphrased a well-known saying, and said, that for the good of Spain, "if Napoleon had not existed it would have been necessary to invent him."

If then the usurpation which Napoleon contemplated was great, no less striking was the justification of it on revolutionary principles. And when we see how very lenient history has been to Napoleon in consideration of the abuses he swept away, we may well think that had he been successful in Spain not so much would have been heard of the proceedings at Bayonne. A vast State restored to order and prosperity would have been held a sufficient atonement for a few lies, for a treason which in other circumstances would no doubt have seemed black, and for not more than two thousand lives sacrificed in putting down the riot at Madrid. Even the reckless indecency of the proceeding might have been excused on account of the miserable character of the victims. It might have been argued that when the meanest and most contemptible of men and women are found seated in the place of supreme authority and playing with the happiness of a great nation, one can scarcely use too little ceremony in bundling them out.

Thus perhaps the whole enterprise would have looked, if it had been sanctioned by that Power whose countersignature Napoleon was in the habit of taking for granted, Fortune. It would then have appeared not as an imprudence into which the intoxication of unbounded power betrayed him, but as one of the most characteristic strokes of that policy which so singularly united audacity with craft and at the same time national ambition with professions of cosmo-

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politanism. Since it failed, and failed in such a way as to change the whole character of the European conflict and ultimately to undo the conqueror's whole work, we can see nothing in it but insensate rashness as well as shameless wickedness. But yet the error in Napoleon's calculation was one which he could hardly be expected to see, and which was not seen at once even by those who had the greatest interest in his failure. Spanish patriots like Urquizo, who had fathomed Napoleon's plans with the utmost penetration and had warned Ferdinand of what was in store for him, believed when the blow was once struck that there was no remedy, and were prepared to put up with and make the best of a Napoleonic Government. In what then precisely did the error consist?

It consisted evidently in leaving out of account the Spanish people. But yet in Germany and Italy since the beginning of the wars the wishes of the people had been slighted with perfect safety. What was there then to lead Napoleon to foresee that the Spaniards would rally round their Government any more than the Neapolitans, the Piedmontese, the Hessians, and many others had done?

There is a well-known letter, purporting to have been written by Napoleon to Murat on the eve of his entrance into Madrid, from which it would appear that nevertheless he did for a moment see his mistake, and had a clear presentiment of all that was to follow. I do not pause here to discuss this letter; the original of it does not exist; it is entirely inconsistent with all the other letters written by Napoleon to Murat about the same date, and it was certainly never received by Murat. Though there is little doubt that Napoleon wrote it, yet he must have either forged it at a later time to save his reputation for sagacity—which is M. Lanfrey's view—or, as M. Thiers thinks, he wrote it under a passing impression received from a conversation held with a certain M. Tournon, who had been travelling in Spain and had been greatly struck with the peculiarity of the

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Spanish character; but being immediately afterwards reassured by good news from Murat, suppressed it. I refer to it here because it describes the difference between the Spaniards and other nations in a phrase which has repeatedly been quoted as felicitous. "You have to do," writes Napoleon, "with a new people; it has all the courage and will have all the enthusiasm which is found in men who *have not been exhausted by political passions.*" But does the phrase really remove the difficulty? It occurred naturally to Napoleon because it marks the difference between Spain and France, where the exhaustion caused by the Revolution made, as he was well aware, Napoleon's absolutism possible. It is perhaps also applicable to Holland, where the violence of the party-strife between the Patriots and the Orangists had given the country as a prey to France. But it does not mark how Spain differed from the other states in which the conqueror had met with no opposition. Even Belgium, though torn by political passions, could hardly be said to be exhausted by them when she submitted to France. She was rather in the first ardour of political passion, as indeed Spain was, for political passions were strong enough in Spain when Napoleon interfered. But let us think of Italy, of the minor states of Germany, of Prussia herself. Napoleon had set up and pulled down governments at his pleasure in all parts of Italy, and he had thrown several German states together to make up the Kingdom of Westphalia. In all these cases he had met with no resistance from the people, and, what is more to our present purpose, in humbling and partitioning Prussia he had had to overcome the Government and the army but not the people. Was this because in Italy, Germany and Prussia the people were exhausted by political passions? On the contrary, in this respect these countries were in just the same condition as Spain itself. They were "new countries"; political passions were entirely unknown to them, for all political affairs were entirely out of the province and foreign to the thoughts of all except the official class. Napoleon's neat phrase

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therefore leaves us still to seek for an explanation of that peculiarity of Spain which disturbed his calculations.

Between Spain and this class of states there was one very obvious difference. Spain was Spain, but those Italian and German states were not Italy and Germany, but only *in* Italy and Germany. How momentous this difference is we do not now require to be told; it is the peculiar political lesson of the nineteenth century. But it was not dreamt of in Napoleon's political science that the state which is also a nation is an organism far surpassing in vigour and vitality the state which is only a state. So long as a state is merely a machinery by which a number of men protect their common interests, it will break down when the machinery ceases to work well, or it will readily and without objection suffer the substitution of better machinery. Such had been the states with which Napoleon had hitherto dealt. There was no clear reason why the territory of Electoral Hessen, Hannover, Brunswick and a part of Prussia should not be united to form one state, for there had been no reason founded in the nature of things why those territories had hitherto been divided. But there are other ties which bind men in societies besides accidental aggregation or even common interest. One of these Napoleon had considered a good deal. He recognized and used with much skill the uniting power of a common religion. With the mathematical turn he had tried to find the Mechanical Equivalent of Catholicism, and had been heard to say that the Pope's influence was equal to an army of 40,000 men. But there are other such forces as potent even as religion, and, what is more, these forces may act in combination. Being distinct from interest or utility, it is evident that they cannot cease to operate merely because they do not serve interest and utility; in other words, that it will be of no avail to tell a society held together by these forces that their system is a bad one, or that they would be better off under another system.

Such an argument Napoleon could urge with undeniable

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truth to the Spaniards. But it ran off them like water, because their union was not a system at all and did not exist to make them well off; it was an intense instinctive life. By this I mean that besides a common interest they were held together by two other ties of supreme force. The first was religion; a religion fierce, ignorant, intolerant, but for that very reason the more opposed to Napoleon's interests. To his Manifesto, which began "Napoleon, by the Grace of God, Emperor of the French, King of Italy, Protector of the Confederation of the Rhine," the earliest pamphlet of the Rebellion answers, "Yes! Napoleon, that is, Napodragon, Apollyon, Ruler of the Abyss, King of the monsters of hell, Heretics and heretic Princes, Abominable Beast, Protector, Head and Soul of the Confederation of the Rhine, that is, of the Seven Heads and Ten Horns of the Beast which bear blasphemies against Jesus Christ and his Church, against God and the Saints. That is the body of the Beast, and Napoleon is the head!" To the promise, "I will bring you the blessings of Reform," is answered, "You will bring us a Calvinist Reform, to introduce the innovations of the Protestants, as your Ministers, Senators, &c., are mostly of this sect or else apostates, atheists and Jews..." This may serve as a specimen of the fierceness of their religious chauvinism. Perhaps Napoleon was prepared for this. But the other principle of cohesion was new to him, and the full power of it had never been so plainly exhibited in modern Europe before.

The German States, I have said, were only *in* Germany, but the Spanish State was Spain; the state and the nation were in a manner convertible terms; this is as much as to say that all the feelings of kinship or clanship were in Spain enlisted in the defence of the Government, whereas in Germany the same feelings had no relation whatever to the Government. These feelings of clanship are much stronger in some countries than in others, and genuine Highland clannishness is in most countries very weak. But on a larger scale the same feeling shows itself again with much

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more uniform power. For what is the nation itself but a large clan? Englishman is bound to Englishman not merely as member of the same state or as professing the same religion, but also by a sense of kinship as inheriting the same character, as showing a family likeness, and most of all as speaking the same language. The conspicuous badge of language keeps alive among very large societies of men a sense of kinship like that which unites single families.

Athens and early Rome show us that patriotism may be strong in communities not clearly distinguished by race or language from those around them. But though patriotism may be strong without a sharply-cut nationality, it is evident that nationality will operate very strongly to strengthen patriotism. In truth in those ancient states the other narrower form of clannishness took, at least for a very long time, the place of nationality. And the small German state in which neither form was found, still more the petty and artificial principalities of Italy, would evidently belong to the least firmly united class of states. Whatever sense of kinship there is between German and German, and this probably was even then much though it was in a latent state, their common language, their common property in Luther's Bible, their common triumph at Rosbach, their common pride in the new German learning, the new German literature, the new German philosophy; all this had no effect in strengthening the basis of any German state, all this was thrown completely away in the war with Napoleon. Precisely the contrary in Spain; here all was effective, all was turned into military force. The intense clannishness of a people separated by mountains and seas from other states, the pride of ancient victory and empire, the common memory of a crusade of a thousand years, all this in belonging to the nation belonged also and belonged completely to the state.

The result of this was that when the Spanish Government in its corruption and feebleness was entirely unable to resist Napoleon, it was discovered that no such consequences

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followed as in Italy and Germany. When the state fell to pieces the nation held together and proceeded to put forth out of its own vitality a new form of state. When the work seemed to Napoleon finished it was found to be barely commenced; when he had surmounted all the obstacles he had foreseen, another obstacle presented itself which he had never imagined. This obstacle was not only insurmountable, but in its total effect it proved fatal to Napoleon's Empire.

As much as this may be said without adopting the vague doctrine of those who suppose that mere self-devotion will supply the place of national government or military discipline. The rising in Spain was easily controlled when Napoleon appeared; the insurgents suffered disastrous defeats; they showed miserable incapacity both in the council and in the field; if the French armies were in the end driven across the Pyrenees this was done by the discipline of English troops and the skill of an English general, and not by Spanish enthusiasm. But though all this is true, the effect produced by Spanish enthusiasm in all its reckless wildness was incalculable, and makes this rebellion stand out as the greatest European event which had happened since the French Revolution, and the beginning of a new and grand chapter in European history.

Not to mention that the first defeats of the French, the disaster of Baylen, and the flight of Joseph came from the insurgents themselves and not from their English auxiliaries, not to mention again that the English would never have undertaken the rescue of Spain if they had not been seized with admiration of Spanish heroism, nor probably would have persevered in it without the persistency of Spanish patriotism; let us consider only the terrible blow inflicted on Napoleon by the mere fact of the rebellion. His calculations had broken down; he had reckoned without his host; he had made a blunder of the first importance; and the infamy of Bayonne stood out unredeemed by success. But besides this his actual power had suffered the most serious

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diminution. For many years he had counted the force of Spain as part of his own. It was inefficient no doubt, but, such as it was, he had it. The Spanish fleet had fought with the French at Trafalgar; Spanish troops were serving him in Denmark when the Spanish troubles began. With tact and patience he might have improved this into a valuable possession and gained much assistance from Spain in his German and Russian wars. But with the Rebellion Spain passed over at once to the other side. All she had to give was lost, and she became an object of enormous expense and trouble. We may be impressed by the easy and complete triumph of Napoleon at the end of 1808, but let us not overlook how much his power has fallen since the year before. Now he holds down Spain with 300,000 men, but then he held her down just as completely, and in truth was passionately worshipped by her population, without any force at all. There can be no greater mistake than to regard this rebellion as a temporary disturbance, which but for the interference of England would not have been serious. Its mere occurrence, without regard to its consequences, was a most damaging blow to Napoleon, the visible commencement of his decline, and the greatest disaster that had befallen him since the failure of the Egyptian expedition.

How much more serious was the prospect to him when this Rebellion began to have its triumphs, its strokes of good fortune! On the 21st of July General Dupont with nearly 18,000 French soldiers surrendered to the insurgents; on the 31st the French evacuated Madrid and began their retreat to the Ebro. These were disasters which not only betokened that the whole Spanish enterprise would fail, but must have seemed to many like a turn in the tide of fortune, like the beginning of Napoleon's fall, particularly as they coincided in time with Junot's disaster in Portugal. Soon it was found necessary to withdraw the army of occupation from Prussia, and that meeting of the two Emperors at Erfurt which has been so often celebrated as the highest point of Napoleon's fortune, appears evidently, when we

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consider the circumstances, to have been his way of dissipating the impression produced by the ominous change in his affairs.

Such was the direct result of this rebellion. Soon, no doubt, the weak side of it was seen; soon it was plain that the Spaniards who could venture and sacrifice so much for their country could not plan the campaigns or win the victories which were necessary for its redemption. On Dec. 4th of the same year the French entered Madrid again led by Napoleon himself, and the whole movement might seem to be at an end. But had this really proved to be the case, the loss to Napoleon as we have estimated it would have remained, and there would have remained also the indirect influence of the Rebellion in other countries. The world had received the very lesson which it needed. Statesmen everywhere who were digesting defeat, such as Stein and Scharnhorst in Prussia, or Stadion and the Archduke Charles in Austria, or those who were dreading it, such as the Emperor Alexander, received a new revelation from what passed in Spain. That the Spaniards had failed was nothing; their total want of discipline, organisation and enlightenment, accounted for this; and all these resources other countries and especially Prussia had. Prussia indeed by depending on these alone had fallen with unexpected disgrace; Spain, entirely destitute of them, had fallen also, but with unexpected honour. It was evident that "the one thing needful" was found, and a new idea took possession of the mind of Europe. That idea was not democracy or liberty; how could Spain have had anything to tell about either of these? it was nationality. It was the idea of the nation as distinguished from the state; the union by blood as distinguished from the union by interest; the idea of the strength and stubborn solidity of that society, which, while it has the form of a state, is a nation also, and of the feebleness of that which is only a state, which can appeal to no inbred instincts, no natural affections, however complete its administrative machinery may be.

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Accordingly here begins the second period of the Napoleonic age. The Spanish Rebellion opens a series of wars, which resemble it and each other, and resemble no wars which had been waged in Europe for a long time before. They are the wars of nations and no longer of states. Such was the Austrian war of 1809; it was national everywhere, as I shall point out, and not merely in the Tyrol. Such was the Russian war of 1812, such the Prussian in 1813, 1814, 1815. They resemble each other also in another respect, namely, that except in the war of 1809 Napoleon is now uniformly overcome. Great mismanagement and want of good leadership gave him one more triumph in 1809, but between 1812 and 1815 he suffered four overthrows, each of which was more complete and ruinous than had been suffered till then by any modern general. So potent was the new instrument which Spain had put into the hands of statesmen.

The new doctrine did not cease to be important with the peace. The middle part of this century has been principally devoted to the remodelling of Italy and Germany on the basis of nationality, and to reducing to system the *levée en masse* of Spain, and at this moment the doctrine is causing the rearrangement of the east of Europe. It has been no less important in literature, and particularly in historical literature, than in politics.

In the life of Stein it is the grand occurrence which falling in the very midst of his ministry divides it into two dissimilar parts. The forced abdication of Charles and Ferdinand at Bayonne took place in the first week of May. Even before the news of it arrived the storm was rising in Spain, and by the end of the month the unparalleled insurrection was in full course. On the 25th the mountain province of Asturias solemnly declared war against Napoleon, that is, against a sovereign whose army was more than twice as large as their whole population! Valencia and Murcia were up even earlier. A single week sufficed to raise the whole country "from the Cantabrian Sea to the Bay of Cadiz and

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from the Mediterranean to the Ocean*." Without concert and without calculation, almost before the news had time to reach them, they flung back an injury done to their nationality though it came wrapped up in the most reasonable arguments and the most alluring promises; while in Germany the same injury, excused by nothing and aggravated by every form of oppression, was borne with scarcely any resistance, scarcely even any sign of unwillingness, for years. The beginnings of this great European event were watched by Stein from Berlin while he was engaged in negotiating with Daru; we can imagine with what feelings! His cause had been, since his ministry began, substantially the same as that of Spain; but he had perhaps understood it himself but dimly, at any rate hoped but faintly to see it prosper. But now he ripens at once into a great nationality statesman; the reforms of Prussia begin at once to take a more military stamp, and to point more decisively to a great uprising of the German race against the foreign oppressor.

The change of feeling which took place in Prussia after the beginning of the Spanish troubles is very clearly marked in Stein's autobiography. After describing the negotiations at Paris and Berlin, which were glanced at in the last chapter, he begins a new paragraph thus:

"The popular war which had broken out in Spain and was attended with good success, had heightened the irritation of the inhabitants of the Prussian State caused by the humiliation they had suffered. All thirsted for revenge; plans of insurrection, which aimed at exterminating the French scattered about the country, were arranged; among others, one was to be carried out at Berlin, and I had the greatest trouble to keep the leaders, who confided their intentions to me, from a premature outbreak. We all watched the progress of the Spanish war and the commencement of the Austrian, for the preparations of that Power had not remained a secret; expectation was strained to the highest point; pains were necessary to moderate the excited eager-

* Baumgarten, *Geschichte Spaniens.*

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ness for resistance in order to profit by it in more favourable circumstances. It was with this feeling that the members of the Military Commission, Colonels Scharnhorst, Gneisenau, and Major Grolmann went on with the preparatory military arrangements. Colberg was strengthened to maintain the maritime communication with England; brave officers were chosen to be commandants of corps; all the slothful, lukewarm, or evil-disposed, all who were content with servitude, were dismissed; at the head of whom stood Field-Marshal Kalkreuth, author of the unhappy Peace of Basel (Tilsit!), an able and experienced soldier, but crafty, ambitious, envious, and paralysed by the routine of old age and the domination of a malicious and grasping wife. This party was joined by all the men of pleasure and fashion, *e. g.* Prince Hatzfeld, all Jews, here and there a narrow-minded country squire, all the selfish men of office and red tape, with several learned sophists, and as far as they could they favoured adhesion to France.

"To the great mass of the nation this thought was intolerable, the incubus of the French garrisons, of marchings through the country, indescribable provocations, kept alive its hatred of the French, and powerful support might be counted upon. Fichte's Addresses to the Germans, delivered during the French occupation of Berlin and printed under the censorship of M. Bignon, the Intendant, had a great effect upon the feelings of the cultivated class."

But here the extract must be interrupted, for new matter for reflexion is before us. I have endeavoured above to trace the steps by which Stein advanced to a comprehensive conception of the work before him. At first, I have pointed out, he saw nothing needful but an administrative reform. Then arriving at Memel and having the labours of the Immediate Commission submitted to him, he at once recognizes the value of their sweeping suggestions and puts his hand to a vast social and industrial innovation. Then comes upon him the discovery of the complete hollowness of the Peace of Tilsit, and of the immense financial needs of the State.

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We have seen him grappling with these financial difficulties, and have remarked that the leak through which the wealth of Prussia was disappearing evidently was one which could not be closed, because Napoleon did not want it to be closed. As soon as Stein saw this clearly it was inevitable that he should think of a new war, but we can fancy with what reluctance he gave way to such a thought. A new war! What could be expected from a new war undertaken by an impoverished state, which when at the height of prosperity had shown itself too demoralized to keep the field, and had, as yet, scarcely begun to reform its army? It was just at this stage in the course of his reflexions that the Spanish Rebellion happened, and showed him a nation in many respects far more demoralized and less prepared for war nevertheless undertaking it, and, after a short time, with signal success. But something else arrived about the same time to influence his mind. That in the midst of such weighty matters he should remember to mention Fichte's Addresses is a remarkable testimony to the effect produced by them on the public mind, and at the same time it leads us to conjecture that they must have strongly influenced his own. They had been delivered in the winter at Berlin and of course could not be heard by Stein, who was then with the King, but they were not published till April. As affecting public opinion therefore, and also as known to Stein, the book was almost exactly of the same date as the Spanish Rebellion, and it is not unnatural that he should mention the two influences together. In the educational schemes which were discussed in the later months of the Ministry and in the more elevated tone which the Reformers began to take Fichte's influence is traceable; it seems to have dictated the closing paragraph of the Political Testament which was signed by Stein on his retirement at the end of the year and which will be given below.

But what must have struck him most in Fichte's book, was that in which it confirmed the lessons taught by the Spanish Revolution. When the lectures were delivered at

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Berlin a rising in Spain was not dreamed of, and even when they were published it had not taken place, nor could clearly be foreseen. And yet they teach the same lesson. That doctrine of nationality which was taught affirmatively by Spain had been suggested to Fichte's mind by the *reductio ad absurdum* which events had given to the negation of it in Germany. Nothing could be more convincing than the concurrence of the two methods of proof at the same moment, and the prophetic elevation of these discourses (which may have furnished a model to Carlyle) was well fitted to drive the lesson home, particularly to a mind like Stein's, which was quite capable of being impressed by large principles. Moreover Fichte's strong personality may have inspired Stein with more interest than he commonly felt for philosophers; the two men resembled each other morally; and if we may believe Arndt they resembled each other even in personal appearance, so much so that after his first interview with Stein, Arndt went away, as he tells us, racking his brain to think where he had seen that face before, and at last recollected that the face of Fichte had all the same characteristics, except that Fichte had always the expression of one who sought, while Stein wore the look of one anchored and secure.

Fichte's Addresses do not profess to have in the first instance nationality for their subject. They profess to inquire whether there exists any grand comprehensive remedy for the evils with which Germany is afflicted. They find such a remedy where Turgot long before had looked for deliverance from the selfishness to which he traced all the abuses of the old régime, that is, in a grand system of national education. Fichte reiterates the favourite doctrine of modern Liberalism, that education as hitherto conducted by the Church has aimed only at securing for men happiness in another life, and that this is not enough, inasmuch as they need also to be taught how to bear themselves in the present life so as to do their duty to the state, to others and themselves. He is as sure as Turgot that a system of national

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education will work so powerfully upon the nation that in a few years they will not be recognisable, and he explains at great length what should be the nature of this system, dwelling principally upon the importance of instilling a love of duty for its own sake rather than for reward. The method to be adopted is that of Pestalozzi. Out of fourteen lectures the first three are entirely occupied with this. But then the subject is changed, and we find ourselves plunged into a long discussion of the peculiar characteristics which distinguish Germany from other nations and particularly other nations of German origin. At the present day this discussion, which occupies four lectures, seems hardly satisfactory; but it is a striking deviation from the fashion of that age, particularly in a treatise on education, that so much importance should be attached to national distinctions, and that the distinctively German quality in the Germans should be represented as precious and deserving to be preserved with the utmost care, rather than something accidental which education was to smooth away. But up to this point we perceive only that the subject of German nationality occupies Fichte's mind very much, and that there was more significance than we at first remarked in the title, Addresses to the German *Nation;* otherwise we have met with nothing likely to seem of great importance to a statesman. But the eighth Lecture propounds the question, What is a Nation in the higher signification of the word, and what is patriotism? It is here that he delivers what might seem a commentary on the Spanish Revolution, which had not yet taken place. His German experience has trained him to perceive clearly the difference between the Nation and the State; he has learned to understand the preciousness of the national tie even when no civic tie is involved with it, and when he speaks of patriotism he does not for a moment confound it with fidelity or loyalty to the State. For he is not addressing the Prussians, who might be thought to be united by the civic bond, but the Germans, who had lately seen the slight civic bond that united them contemptuously snapped by Napoleon, but yet

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felt the national bond holding them together. It is because this German nation which he addressed was in the opposite extreme to Spain, that he throws so much light upon the Spanish movement. He explains the vitality of Spain in the midst of her extreme political decay when he points out that a nation is quite different from a polity, though this would never have been learnt from contemplating Spain itself, in which the nation and the polity were so absolutely identified.

Nation and Country (he says here) extend far beyond the State in the ordinary sense of the word, beyond the order of society, as this is apprehended in an abstract simple conception, and constituted and conserved in accordance with that conception. The object of this is security of rights, internal peace, a livelihood to every one and preservation of material existence during Heaven's pleasure by means of industry. All this is but means, condition, preparation for that which patriotism has mainly in view.

And now for the difference between patriotism and mere civic duty or loyalty.

The mere maintenance of the traditional constitution, of the laws, of civil well-being, requires no life properly so called, no original act of the will. But when this uniform course is exposed to danger and it is necessary to form new resolutions without the help of precedent, then there must be a self-acting principle of life. What then is the spirit that can be put at the helm in such a case, that can decide with proper firmness and sureness and without uneasy hesitation, that can have an unquestionable right to demand of every one it meets, whether he himself consents or not, and if necessary to compel him, to put everything, life included, to hazard? *Not the spirit of quiet civic loyalty to the constitution and the laws;* no, but the consuming flame of the higher patriotism, which conceives the nation as the embodiment of the Eternal: for which the high-minded man devotes himself with joy, and the low-minded man, who only exists for the sake of the other, must be made to devote himself. Not that civic loyalty to the constitution; that, if it acts reasonably, can do nothing of the kind. For whatever happens, since government is not done for nothing, it will always be able to find a governor. Even if he introduces slavery, since he makes his profit out of the lives, the number, even the well-being of the slaves under him, if he knows at all how to calculate, slavery will be endurable. They will always at least have life and maintenance. And why then should they fight? After these two things quiet is the most important thing to them. And this is only destroyed by the continuance of the contest. Accordingly they will take every means to bring it as soon as possible to an end, they will comply, they will give way, and why not?

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He asks what made the ancient Germans resist Rome so long, though they must have known the superiority of Roman civilization? and answers,

A Roman writer makes their leaders express it thus: "whether anything else remains, but either to assert their liberty or die before they are made slaves." To them freedom meant just remaining Germans, continuing to settle their affairs independently and spontaneously, according to their own disposition, and also developing in accordance with it and transmitting the same independence to their posterity: while slavery to them meant all the advantages the Romans offered, because they would force them to become something different from Germans, to become half Romans. They assumed it as a matter of course that any one would rather die than see this happen, and that a real German could only wish to live in order to be and remain a German, and train his family to be so too.

The following paragraph must have seemed within a month after it was published a real prophecy.

He who sets a definite limit to his sacrifices and declines to venture further than a certain point, will cease to resist as soon as he sees the danger arriving at this point which will not bear to be surrendered or sacrificed. He who sets no such limit, but stakes everything, and the utmost that man can lose here below, his life, will never cease to resist, and must certainly prevail if his antagonist does not go so far. A nation that is capable, if it were only in its highest representatives and leaders, of fixing its eyes firmly on the vision from the spiritual world, Independence, and being possessed with the love of it, like our earliest ancestors, will assuredly prevail over a nation that is only used as the tool of foreign aggressiveness and for the subjugation of independent nations, like the Roman armies; for the former have everything to lose and the latter only something to gain.

Here certainly is heard the tocsin of the Anti-Napoleonic Revolution and of all the Nationality Wars that were to follow. Fichte proclaims the nation not only to be different from the state, but to be something far higher and greater. His view of it, we may observe, is not quite the same as that which we were led to take in considering the Spanish movement. We treated it as analogous to the clan and as a stronger union than the state, because the attraction which holds it together is more instinctive and, as it were, more animal. This is perhaps the true account of the nation

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as such, but such a nation as Fichte describes, the undying whole of which the individual is a perishable part, and in which the work and spiritual life of the individual may hope for a kind of earthly immortality, is also to be found in favourable circumstances, though it was perhaps something scarcely so sublime for which the Spanish patriots devoted themselves. But we have observed that the special lesson of the Spanish Revolution was not so much the superiority of the nation to the state as the immense force that was gained when nation and state coincided. Applied to Germany this doctrine would lead to the practical conclusion that a united German State ought to be set up in which the separate German States should be absorbed. And to this conclusion the principles now proclaimed by Fichte have gradually brought his countrymen. But it is not to be supposed that he draws this conclusion himself. In the lecture before us he contents himself with advising that patriotism as distinguished from loyalty to the State should be carefully inculcated in the new education, and should influence the individual German Governments. It would not indeed have been safe for Fichte to propose a political reform, but it rather appears that he thought it an advantage rather than a disadvantage that the nation and the state should be distinct. The following passage is interesting as showing how much beauty could be found in that old constitution of Germany which to us seems so chaotic.

With the Germans as with the ancient Greeks, and with them alone, the state and the nation were actually separated from each other, and each had a representation of its own, the former in the particular German kingdoms and principalities, the latter visibly in the Imperial Union, and invisibly according to an unwritten law which nevertheless lived in every mind and showed itself everywhere indirectly in a crowd of customs and arrangements. As far as the German language extended each man who saw the light within its frontiers might regard himself as having a double citizenship, at the same time of his native State, to whose care he was committed in the first instance, and of the whole common Fatherland of the German nation. It was open to each man over the whole surface of this Fatherland to look out for himself the culture

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that had the most affinity with his understanding, and the sphere of action that suited it best, and a talent did not grow into its place like a tree, but was allowed to seek it. He who fell out with the neighbourhood in which he found himself through the direction which his culture took, easily found a cordial reception elsewhere, replaced his lost friends by new ones, found time and leisure to explain himself more fully, perhaps even to win over and reconcile those whom he had offended and so to unite the whole. No Prince of German birth has ever brought himself to confine his subjects to a fatherland limited by the mountains or rivers which bounded his own dominion, or to regard them as bound to the soil. A truth which might not be proclaimed in one place was allowed to be proclaimed in another, in which perhaps those which were allowed there were in turn forbidden; and so with much one-sidedness and narrowness in particular states there yet prevailed in Germany taken as a whole the greatest freedom of investigation and publication that any nation ever possessed; and everywhere the higher culture was and remained the result of the reciprocal action of the citizens of all the German States; and this higher culture gradually in this form filtered in due course down to the greater people, which so went on ever educating itself by its own action.

Fichte speaks here rather as a Professor than a politician; evidently he is thinking of what happened to himself when he left Saxony in consequence of the charge of atheism that was brought against his philosophy, and afterwards found a refuge in Prussia.

In the following lectures Fichte returns to the subject of education, where we do not follow him in detail. It must not be forgotten, however, that his words on this subject did not fall to the ground. They certainly influenced Stein, and we may suppose that they did much to form the ideas and plans of the great educational reformer who soon after appeared, W. v. Humboldt. The following passage partly explains the importance Fichte just then attached to education, and the last sentence of it hints at the difficulty under which the speaker laboured in attempting to rouse the energies of his countrymen in the presence of the French censor.

That we can no longer resist openly has been already assumed as palpable and universally admitted. Having then lost the first object of life, what remains for us to do? Our constitutions will be made for us, our treaties and the use of our military forces will be prescribed to us, a code will be given us,

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even the right of judicial trial and decision and the exercise of it will be at times taken away: for the present we shall be relieved of all these cares. Education alone has been overlooked; if we want an occupation let us take to this. There we may expect to be left undisturbed. I hope—perhaps I deceive myself, but as it is only for this hope that I care to live I cannot part with it—I hope to convince some Germans and bring them to see that nothing but education can rescue us from all the miseries that overwhelm us. I count especially upon our being made more disposed to observation and earnest reflexion by our need. Foreign countries have other comforts and resources; it is not likely that they will give any attention to such a thought, supposing it to occur to them, or give any credit to it; *on the contrary, I hope it will prove a rich source of amusement to the readers of their journals if they ever learn that any one promises such great results from education.*

Education is to be compulsory, as military service, and for the same reason, that is, the necessity of it to the public welfare.

In past times the performance of military service was left to free choice: but when it was found that this was not sufficient for the purpose in view, no scruple was made of helping it out by compulsion, because we thought the matter important enough and necessity suggested compulsion . . . But if, to avoid too much outcry at first, we choose to limit the compulsion in the same way as hitherto the compulsion to military service has been limited, and exempt from it the classes now exempted from that (*i. e.* the middle class), no serious mischief will result. For the rational parents of the exempted class will voluntarily submit their children to this education.

This singular connexion between German culture and the middle class of the population is unconsciously marked in the following sentence.

It will now be made clear where our boasted culture is confined to a few persons of the middle class who display it in literature, such as all German states can point to, and where on the contrary it extends also to the higher classes who counsel the Government.

In the twelfth lecture he brings us back to the subject of nationality, recapitulating what he has said under three heads of inquiry: (1) whether it is true or not true that there is a German nation, and that its continuance in its peculiar and independent character is now endangered; (2) whether it is worth while or not worth while to preserve it; (3) whether

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there is any sure and thorough means of preserving it and what that means may be. He conjures his audience to form some definite opinion on these points and then stick to it. Let them not flatter themselves that when their independence is gone their language and literature will remain. It is before all things to be remembered that

the first original and truly natural frontiers of states are unquestionably their spiritual frontiers. What speaks the same language, that is from the first and apart from all human contrivance united by mere Nature with a multitude of invisible ties. It understands itself and may go on understanding itself better, it belongs to itself and is by nature one and an indivisible whole. Nor can it at pleasure take up and mix into itself a nation of foreign origin and language without—at least at first—confusing itself and violently disturbing the even course of its development. Only from this internal frontier described by the human being's essential intellectual nature comes the external limitation of the territory as a consequence; and in a natural view of things it is not the people who live within certain mountains and rivers who form on that account a nation, but contrariwise people live together and are shielded, if fortune arranges it so, by rivers and mountains, because already by a higher law of nature they were a nation.

There follows a vivid description of a Universal Monarchy and of the barbarism and wickedness by which alone such a fabric could be supported; assuredly Napoleon had reason to complain of Bignon's negligence in allowing this passage to be printed.

The series closes with a general exhortation, which is an admirable specimen of prophetic eloquence. I extract from it such sentences as bear upon our present subject.

On you it depends whether you will be the end and the last of a race worthy of little respect and likely to be despised no doubt even above its deserts by the after time, in reading whose history later generations, if in the barbarism which will begin there can be such a thing as a history, will be glad when the end of them arrives and adore the justice of Destiny; or whether you will be the beginning and germ of a new time glorious beyond all your imaginations, and those from whom posterity will reckon the years of their welfare. Consider that you are the last in whose hand this great renovation is placed. You have at least heard the Germans spoken of as one, you have seen a visible sign of their unity, an Empire and an Imperial Union; or you have heard of it; among you have been heard from time to time voices that

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were inspired by that higher patriotism. Your successors will grow accustomed to other views, they will adopt foreign forms and another current of life and affairs: and how long will the time be till no one lives any longer who has seen Germans or heard of them?

Then he addresses separate classes, first the young, then the old. I have spoken of the campaign of Jena more than once as the campaign of old men; Fichte has perhaps the Brunswicks, the Möllendorffs, the Kalkreuths, &c., in his mind when he breaks out as follows:

Look through the history of the last two or three decades; all but yourselves agree, nay you yourselves each in the department that does not concern himself agree, that—omitting exceptions and looking only at the majority—in all branches, in science as well as in practical affairs, worthlessness and selfishness have been greater in the greater age. . . . Yours was the force thal checked all improvement which kind Nature offered us from her ever youthfut bosom, all the while until you were gathered to the dust which you already were, and until the next generation in striving with you had grown like you and adopted your mode of proceeding. You have only to behave now as you have behaved hitherto towards all proposals of amendment; you have only to prefer still to the common weal your empty point of honour, that there shall be nothing between heaven and earth that you have not searched out, and you will win a last contest that will relieve you of all future contests; no amendment will take place, but deterioration upon deterioration, so that you may still hope to enjoy much satisfaction!

Men of business he reproves for their contempt for culture. Thinkers and writers he warns not to complain so much of the shallowness of the age, for "what class is it that has educated this shallow generation? The most evident cause of the dulness of the age is that it has read itself stupid in the books you have written!" The Princes he addresses with little bitterness and commends to them his scheme of education. "Let your counsellors (Stein, for example) consider whether they find it sufficient or whether they know anything better; only let it be equally thoroughgoing."

He closes with an appeal to the memory of those forefathers who resisted Rome and those who brought in the Reformation, and to the hope of that posterity who will one

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day call them forefathers. This peroration, though in the approved style of rhetoricians, is scarcely to be called artificial. A preparation has been made for it in the definition of nationality, the virtue of which has been made to lie precisely in that union of past and present generations which secures to the actions of man an earthly immortality.

I should not have lingered so long over this book if it did not strike me as the prophetical or canonical book which announces and explains a great transition in modern Europe, and the prophecies of which began to be fulfilled immediately after its publication by the rising in Spain. We have distinguished above* two different kinds of Revolution, which may be called the English and the French. Both are strictly political, that is, they concern the State. The French Revolution places the State in impartial supremacy over all classes in the community, by destroying the exemptions claimed by the noblesse and clergy; at the same time it has a tendency to extend the province of the State. The English Revolution endeavours to reduce the province of the State for the advantage not of any class but either of individual liberty or of local self-government. We have now before us a third Revolution, not less important than either, which is the Spanish Revolution. It does not directly concern the State at all, but brings out the conception of that which so often lies smothered under political machinery, the Nation. As the French Revolution aims at equality and the English at liberty, this has for its object what is often misdescribed as liberty but is really independence. Nevertheless as soon as independence is gained and the spirit of nationality roused, questions properly political arise and a tendency towards one of the other revolutions shows itself, for the machinery which suits an artificial state will not suit one which is also a nation.

It is this Spanish Revolution which when it has extended to the other countries we call the Anti-Napoleonic Revolution of Europe. It gave Europe years of unparalleled blood-

* See Vol. I. p. 138.

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shed, but at the same time years over which there broods a light of poetry; for no conception can be more profoundly poetical than that which now woke up in every part of Europe, the conception of the nation. Those years also led the way to the great movements which have filled so much of the nineteenth century, and have rearranged the whole central part of the map of Europe on a more natural system. Our own business will be mainly with the spreading of the Spanish Revolution to Germany and particularly to Prussia and with its consequences there.

CHAPTER II.

STEIN AND INSURRECTION.

WE have seen in the Spanish rising not only a serious blow to Napoleon's power, but also the beginning of a moral resistance to the very principle of his Empire and the revelation of a new resource which statesmen might use against him. Yet the first attempt to use this resource failed deplorably, and his Empire was not in the end overthrown in the way that Stein may have expected in 1808. Stein no doubt looked forward to the rise of a party of national independence in Germany, which would simply follow the Spanish example. It would be led by the Prussian and Austrian Governments, which would forget their old discords in a common need. The insurrection of Germany would be less fiery, but then it would be guided with much more intelligence, than that of Spain, and it would be equally helped by England. Gradually the disasters of the last three years would be repaired and Napoleon's armies rolled back to the Rhine or perhaps even further.

What actually happened was different, because the alliance between Prussia and Austria could not be realised soon enough. In consequence of this Napoleon was able to engage Austria alone in 1809, and he now reduced her as

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low, proportionally to her former power, as he had reduced Prussia two years before. This new triumph had the effect of effacing from the mind of Europe the impression produced by the Spanish rising. Having thus recovered lost ground he abandoned himself to all appearance to a sort of fatality. As though his inventiveness were exhausted he remained idly gazing at the war in Spain, which he took no decisive steps to finish. By itself it was no serious wound to a power so vast as his, and those moral effects of it on which we have dwelt he either allowed himself to forget or had never clearly understood. He fell back upon the feeblest of his plans, the continental blockade, and sacrificed to this the Russian alliance, before it had yielded by any means all the profit he might have drawn from it. But at the same time he warded off the danger of a union of all Germany against him by the Austrian marriage. In the end he was indeed overthrown by the Spanish ideas, but it was in Russia that they first crossed his path again, and when a year later they were found animating the Germans as well, it was the North Germans only, and Austria this time is late and half-hearted in taking arms against him.

The remaining months of Stein's Ministry are occupied, so far as foreign policy is concerned, with the struggle to bring about a close alliance between Prussia and Austria, and so give the affairs of Europe the other turn. If Stein and Scharnhorst could have had their way, the year 1809 would have seen the Spanish Revolution transferred to Germany, and Napoleon coping not merely with the Archduke's army on the Danube, but with a universal rising of the German nation in concert with such armies as Prussia could send into the field under Scharnhorst and Gneisenau, helped by the money and stores of England. We are now to consider more particularly what their plan was, and what were the obstacles which defeated it.

The Spanish explosion had a more speedy reverberation in Austria than in Prussia. Not so completely disabled by the campaign of 1805 as Prussia had been by that of

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1806, Austria steadily contemplated a renewal of the war. She was reforming her military system and setting a Landwehr on foot even before the movement in Spain began. No sooner had it begun to be successful than the sympathy of Austria showed itself so strongly that a new struggle between her and France was clearly foreseen. At the moment of the Capitulation of Baylen (July 22nd) this war seemed on the point of breaking out, and thus the Spanish rising seemed likely to be not only in the end but even immediately the signal of an anti-Napoleonic Revolution throughout Europe. It was thus in August that it became necessary for the Prussian Government to determine upon the course it should pursue in the crisis which if not actually at hand was certainly not far distant. Stein had returned from Berlin to Königsberg at the end of May, and had been occupied during June and July with affairs of the greatest importance relating to internal government. These I find it advisable to pass over for the present in order that we may consider connectedly the course he pursued in those foreign questions upon which everything then depended.

From a report of Stein's dated August 11th we are able to discover the view he took of the prospects of Prussia at this moment. First then how does he regard Napoleon's power? Does he think of it as an unreal fabric, as certain to crumble away in a little time?

It is very doubtful (he says) whether the present state of affairs will continue or pass away. The mass which is held together by the power of a great man may dissolve after his death, or complications may arise from his caprice and recklessness which he is not able to disentangle. He does not seem to have at all calculated upon the Pope's firm maintenance of his principles, nor on the resistance of the Spaniards, which forces him to use troops to coerce them and once coerced to keep them in obedience. On the other hand it is also possible that the Emperor Napoleon will surmount all these difficulties and crush Austria, destroy all old dynasties as he has done the Bourbons, deprive the monarchies of their independence and make Europe a vassal of France. In that case there will be no more foreign wars, but instead of them humanity will be tormented with civil wars and the outbreak of domestic factions, all Nationality destroyed or crippled, and the conduct of all great interests of the human race committed to a bureaucracy receiving its definitive

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guidance from a distant and foreign ruler. Such a state of things may last a long time, as the history of the Roman Empire proves. But whether transient and calculated only for the life of the Emperor Napoleon or permanent, the present state of things is in either case very wretched for nations and their rulers, and they are called on to apply all means to avert the fate that threatens them.

What then is to be done? Shall we submit or resist? We must therefore keep alive in the nation the feeling of discontent with this oppression, with our dependence on a foreign nation, insolent and growing daily more frivolous. We must keep them familiar with the thought of self-help, of the sacrifice of life and of property, which in any case will soon become a possession and a prey to the ruling nation; we must diffuse and give currency to *certain ideas about the way of raising and conducting an insurrection*. To this end many ways may be discovered and adopted without the Government showing its hand in the matter, which however, as occasion serves and circumstances favour, will be able to avail itself of such a disposition.

Such a plan presumes an alliance with Austria and England in order to get arms, money and the assistance of the army of the former Power, and means might be taken to secure this alliance.

The leading idea of cooperating by insurrections on the occasion of the outbreak of a war between Austria and France might be laid before both Powers, and a statement asked of them what help they are prepared to offer. The plan of operations must be arranged with Austria and support in money and arms with England, also in case of failure security for the royal family.

But does Stein consider, it may be asked, what security the *nation* will have in case of failure? To the nation will not failure be complete ruin, and is not this very fact a sufficient condemnation of the whole scheme? Has not the result shown that the King was wiser than Stein, when he rejected this plan, submitted for several years to what was inevitable, then when the opportunity was really favourable took a decisive step and met with complete success? This objection is to be answered by asking in return whether it was at all reasonable to look forward to so enormous a disaster as overtook Napoleon in Russia. But Stein answers it as follows:

We must look the possibility of failure firmly in the face, and consider well that the Power we attack is great and the intelligence which guides it vigorous, that the *contest is begun less in regard to the probability of success than to the certainty that without it destruction is not to be avoided*, and that we do our duty better by our own age and the next and by the honour of the King and nation in falling with arms in our hands, than in patiently suffering

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ourselves to be fettered and held in chains. We must make ourselves familiar with the thought of every kind of sacrifice and of death if we would tread the path now proposed. Thus prepared internally and favoured by circumstances, let us begin in God's name and remember that by courage and fortitude great ends have been reached with small means. Only we must be rid of all languid wretched creatures that are insensible to noble feelings and incapable of any kind of devotion and sacrifice, people who mar and spoil everything and think of nothing but the quiet enjoyment of their miserable existences.

Thus if resistance might possibly lead to ruin, submission, according to Stein, would do so certainly. In this reasoning it seems to me he was justified, even though the event might seem to refute it; for the disaster in Russia was so entirely unprecedented that no statesman had any right to calculate upon it, however much he might be alive to the possibility of some quite exceptional calamity arresting a course so violent as Napoleon's. It is the part of the patriot to try something, even though all efforts are likely to be vain, and those who counsel inaction are not shown to be in the right although while they fold their hands rescue comes of itself. The belief that nothing was risked by resistance which was not equally likely to happen if Prussia abstained from resistance was shared by Scharnhorst. He writes as follows:

If this war with Austria ends happily for France, no one will any longer hinder the complete sovereignty of Napoleon in Europe. Destruction of the royal dynasty and perpetual war for the interest of France will be in that case the fate of the Prussian royal house and people. What awaits Prussia in that case has happened already to Sardinia, Etruria, Spain and the Pope. Nature and habit combine to strengthen Napoleon's love of dominion, and that with the most irreconcilable hatred to the royal house of Prussia. Prussia therefore is not in any case to expect a continued existence from Napoleon. In a war with France it may no doubt easily happen to Prussia to be annihilated, but that is no worse fate than will most probably be brought about a few years later by an alliance with France. In a war waged against France by Prussia in conjunction with Austria much more is risked by Austria than by Prussia, for the former has a great deal and the latter little to lose—we have only a half existence—and therefore Prussia has good reason to seize the opportunity of such an advantageous alliance.

In this last sentence an additional consideration is urged. The threatened annihilation of Prussia, that is, its annexa-

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tion by the French Empire, was really hardly to be thought of as a calamity, for the actual condition of the country was in scarcely any respect less humiliating and was decidedly more painful than any into which annexation could bring her. She risked in fact little, for she had already lost almost everything.

In urging the arguments for war this party often proposed the question, what would probably be the course of events in Europe at large if Austria fought Napoleon alone. It was easy to predict that she would be conquered, for she was considerably weaker and Napoleon considerably stronger than in 1805, when even the help of Russia did not save her from crushing defeat. If then she was beaten what would happen next? Since this actually took place and we are so familiar with all that followed, it is interesting to look back and see what then appeared probable. We are apt to think of Napoleon's invasion of Russia as a wild undertaking, which proves him to have been intoxicated by success. I give Stein's predictions, which are also interesting because they show us the notion he then had of the Czar Alexander, with whom he was afterwards closely connected.

When Austria is subjugated, France will find in the use it will make of its fragments, in the passive obedience of the miserable and selfish German princes and the insurrectionary spirit of the 12,000,000 Poles the means of weakening Russia still further. That thinly peopled country, devoid of industry, will make but a feeble resistance, and a country ruled by a weak sensual prince, intimidated by the failure of a number of schemes abandoned as lightly as they were undertaken, through the agency of a stupid, awkward, corrupt and meddlesome bureaucracy, a country where the great mass of the nation are slaves, such a country will not long maintain the fight against civilised Europe. If then Russia is incapable after the fall of Austria of offering any vigorous resistance to France, if the intention of the latter is to destroy Prussia, if Germany can only be saved by Germany, we must strain every nerve and exert every power to attain this object.

Such then were the reasonings by which a war policy was supported. A plan of the part to be taken and the conduct to be pursued by Prussia when the war between

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France and Austria should begin, was drawn up by Scharnhorst, and was laid by Stein before the King along with some suggestions of his own on August 21st. First the troops in the Province of Prussia are to advance and join those of the Pomeranian Province on the middle Oder, while those in Silesia are to join the Austrians and open to them the three fortresses of Glatz, Silberberg and Cosel, which the Austrians are immediately to provision. Next,

At the moment of this advance of the troops, there is to break out a universal insurrection in Pomerania, the New Mark, the Mark and the district of Magdeburg, Lower Saxony, Westphalia, Hessen, Thuringia and Franconia; on a single day the attempt is to be made to get possession of all the fortresses by treason or assault. Also in Silesia, if it is not prevented at the outset by the overwhelming force of the French troops. At the same time a universal conscription in East and West Prussia is either to support the advancing army or hold the Poles in check. Prussia will voluntarily surrender her Polish provinces (only retaining that which she has held since the partition of 1772) and allow the rest to constitute itself as an independent State, if by that means she can divorce the Poles from the French interest. But if Poland clings firmly to France a war of extermination must be waged against the Polish nobility. It will be a very important means of supporting the general insurrection if Austria would operate with a corps along the Elbe and from this quarter feed the insurrections with guns and ammunition. With good fortune, this might cause the destruction of the French armies, and in any case all the resources which the French draw from Germany will be taken from them. . . . Not a word must be said of acquisitions of territory, rectifications, aggrandisements. The only question now is, of the preservation of the two States and their ruling dynasties. A miserable jealousy has brought the States of Europe to ruin, only confidence and union in good and bad fortune can rescue them. Away then with the wretched diplomatic style intended only for mutual deceit; let frankness and directness of speech reign between the Powers who take on themselves the great work of the liberation of Europe; let all their alliance, their close and sacred alliance, be union in victory or death.

Stein adds here:

The war must be waged for the liberation of Germany by Germans. This must be expressed on the flags of the insurrection; each province must carry as its provincial ensign, its arms or name on the flag. There must be but one cocarde, the colours of the principal German nations, the Austrians and Prussians, viz. black, white and yellow.

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He seems to be considering how the insurrection may be used so as to leave behind it lasting symbols of the unity of Germany.

Scharnhorst then goes on to draught the application for help which should be made to England. He states the supply of army, uniforms, &c. which he hopes to receive from England, landed at Colberg and Pillau. Stein adds: For the restoration and maintenance of an army of 100,000 men there will be required 10,000,000 thalers, partly in loan, partly in subsidy, which may be paid in money and also in goods. Other suggestions of Scharnhorst's follow, for example, that England should raise an insurrection in Hannover, while Prussia undertakes to raise the population of her old Westphalian territories.

This plan was considered by the King, whose judgment upon it was then given in a conference with Stein, Scharnhorst, and Gneisenau. It was as follows: first that nothing could be undertaken without the help of Russia, secondly, that the King did not feel he could depend either on his own people, after the experience of the last war, or upon Austria, the hereditary foe of his house. His mistrust was natural enough, but while Count Stadion guided the affairs of Austria there was good reason to hope that her policy would be on a level with the crisis; as to the likelihood of the Prussians having patriotism enough to emulate the Spaniards, much surely must have depended upon the means taken to rouse their feelings. The King's dull despondency was indeed not calculated to strike fire out of them, but could he have shown more ardour and enthusiasm, or could he have employed some one else, for example, Stein, to rouse the spirit of the people as Chatham had done in England, there was surely no reason to despair. This indeed was precisely one of those tasks which are impossible to those who think them so, and at the same time one of those mountains which can be moved by faith.

What made the King rely so implicitly upon Russia is not clear. The Russian alliance had not profited him much

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in 1807. But his decision in favour of Russia was of great importance. As he had elected to be, he was saved at last in 1813 with the help of Russia, and the consequences of this have been momentous. The course of German history would evidently have been very different since if Prussia and Austria had forgotten their jealousies in a glorious, perhaps successful resistance to Napoleon in 1809; as it was, those jealousies remained and deepened, and Prussia was thrown into a dependence on Russia which has often since been burdensome to her.

Here then was a difference of opinion between the Minister and the King on a point of capital importance. Nothing in the traditions of Prussia required that a Minister should step beyond the part of a humble adviser or consider it degrading to carry out a policy he did not approve. But Stein's position was higher than that of previous Ministers, and the question more momentous than any which for a long time a Minister had had to advise upon. It was at once felt that the Ministers could hardly continue to hold office if the King should finally decide for peace, and that something like an English change of administration might take place. Immediately after the interview with the King Scharnhorst writes to Stein:

> The King must answer Yes or No to the question whether he will carry on with all his forces the war against France in conjunction with Austria, as soon as it breaks out. If so, our preparations and arrangements must go on; otherwise not, for that would be to endanger people's lives without sufficient cause and to compromise the State. In this case the King must give himself entirely to the French party and dismiss the people who are known to the world not to be well disposed to Napoleon and the French. It is our duty, I think, to tell the King this.

In a memoir dated September 1st, and entitled "Our Political Situation," Scharnhorst repeats this opinion in very strong language, and points out that cruelly treated as Prussia actually was by the French it was madness for her to take up any position between desperate resistance and such unreserved adhesion as might almost compel Napoleon

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to requite her with favour. But whether or no the Ministers should think proper to retire voluntarily from power the question of war could not be discussed without putting them in danger of being driven from it. Stein held office, as we have seen, in spite of a strong opposition from the old aristocratic party by the tolerance of Napoleon on the one side, and on the other by the King's respect for his abilities and sense of the public need of an able minister. His decided adoption of a war-policy might indeed have strengthened his position incalculably if he had been able to carry the King heartily with him, for he would become ten times as indispensable as before from the moment the country should be committed to a war. But if the King should even hesitate, if the question should remain only for a few weeks undecided, Stein's position would be fatally undermined. His watchful enemies at Berlin would soon penetrate the secret of the division in the King's counsels. From them the French authorities, and speedily Napoleon himself, would learn to regard Stein as the head of the opposition to French interests, and it would require a firmness of will such as we have never yet known in Frederick William to keep him faithful to one who was under Napoleon's displeasure. Thus from the moment that Stein passes from his internal, his industrial and financial reforms to become the representative of the Spanish Revolution in Germany, from the moment that his Ministry commits itself to a policy of war, his fall is certain, and only the question of time remains undecided.

Up to the beginning of August the endeavours of the opposition are aimed at simply destroying Stein's influence with the King and Queen. We may judge of their method of working by one example which is given us. A large party was to be given by the Countess v. Kalkreuth at a country seat near Königsberg. The King and Queen were to be there, and at this party the discontented faction were to gather round the royal pair, and hoped to be able to extort by their entreaties the Minister's dismissal. Stein him-

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self had received an invitation to the party; it was not possible to pass him over; but it was taken for granted that he would not appear, because such gatherings were known not to be to his taste. But some rumour of the plot had reached him and he disconcerted it at the critical moment by suddenly making his appearance and telling the host that "he had made a point of coming, as he had heard that very interesting matters were expected to be discussed." Little perhaps could be expected from such direct attacks; a much more promising plan was to call in the aid of Napoleon. Hitherto, however, the party had found no means of doing this. Stein of course, as he was bound in common prudence, had kept his anti-Gallican sentiments to himself; he had even condescended, and not without success, to play the courtier to Daru. They could indeed assert that Stein had not Napoleon's confidence, but they could bring no proof of it, and Stein could point to the fact that he had not been put at the head of affairs without Napoleon's knowledge and approval. As late as the 4th of August, in reporting upon an application for office made by Zastrow on the express ground of his influence with Napoleon and of Stein's want of credit with him, Stein was able quietly to remark that Napoleon had twice referred to him in conversation with Prince Wilhelm as a person of whom he had a good opinion. But this state of things came to an end at once when the ministers declared for war. The discontented party had now all and more than all they could possibly wish. It would perhaps have been enough for their purposes that he should declare in favour of any kind of resistance. It was more than they could hope that he should propose the Spaniards as a model to be imitated, and rush at once into the most extreme and dangerous course that it was possible to enter upon. From that moment they had the game in their hands. All they had to do was to collect their proofs and lay them before Napoleon. We shall see how easily and speedily this was done.

The question of peace or war had been brought forward,

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as we have seen, by the preparations of Austria. Soon however it appeared that the breach between Austria and France was not quite so imminent as it had seemed at first. Napoleon was anxious to defer it until he could make his meditated demonstration in Spain: nor was Austria yet quite ready. The discussions at Königsberg, so dangerous to Stein's position, might therefore have been discontinued for a time if they had not been reanimated by another occurrence. Napoleon had been made by the Spanish rising as eager to recall his army of occupation from Prussia as he had hitherto been bent upon keeping it there. The first bold and wide-spread rebellion against his authority needed to be put down with exemplary promptitude, and he was bent upon invading Spain with an army such as he had never commanded before. Accordingly he wanted his soldiers from Germany just at the moment when Germany threatened to give him trouble once more. It was evidently an additional argument for the war-party in Prussia who hitherto had been forced, as it were, to "ground their courage in despair," that Napoleon thus openly confessed the difficulty in which he found himself. Spain was likely to help them not merely by its example, not merely by teaching the Germans to rebel, but still more by drawing away the tyrant's armies and giving the German insurrection freedom to take its course almost unopposed. And indeed, when we follow the history of the year 1809 we see more occasion than at any earlier time to wonder at Napoleon's good luck and at the maladroitness of his enemies. The materials were all there for such an attack upon him as must have been almost overwhelming and must at least have reduced him to take up a defensive attitude. Popular insurrection over the whole of Spain; the Austrian army commanded by the general who at that time stood next to Napoleon in European reputation, the Archduke Charles, and supported by a Landwehr, by Tyrolese heroism, and by the sanguine ardour of a population emulous of Spain; Prussia also ripe for insurrection,

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and headed by staunch patriots, and men of spirit and experience; England already at hand with help in Portugal, and preparing a mighty expedition for a descent on the northern coast. It is scarcely credible that Napoleon should be allowed to emerge from all this to all appearance stronger and more irresistible than ever. Unfortunately the want of concert among the great Powers led them to time their blows precisely as Napoleon himself might have wished, to wait till he was quite done in Spain before breaking out in Austria, and then again carefully to delay the Walcheren expedition as if for fear of interrupting his triumphs on the Danube. But the most melancholy failure of the year perhaps is the complete inaction of Prussia, which not only struck no blow in the cause of Europe, but did not even extort from Napoleon's necessities the smallest alleviation of her condition.

Our English historians of this period, who have seldom gone to German sources and know scarcely anything of Stein, give little coherence to their account of this last and most grievous of the failures of Europe in its contest with Napoleon. It cannot be properly estimated unless we go beyond the mere narrative of the operations of the year 1809, and penetrate to the plan which was broached in the autumn of 1808, and which would have given unity and effect to those operations. It was because that plan was rejected that all the valour and self-devotion of 1809 were wasted, and Napoleon triumphed once more. The heroism and glory are indeed in this year mainly on the side of Europe, that is on the side of Hofer, Schill, Brunswick and Palafox; it is the first of the Persian Wars of Europe; but the skill and the victory are once more with Napoleon. Now the plan which might have saved everything was matured in the minds of Stein and Scharnhorst, and it was the fall of Stein, the fall first of his foreign policy and then of his Ministry in the autumn of 1808, that more than any other single incident determined the unfortunate result of all the efforts of Europe in the following year. Owing to

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his fall Prussia was lost to the common cause, and this loss ought not to be measured simply by the number of men she could bring into the field. For no one can say what might have been accomplished by such men as Stein and Scharnhorst organizing an insurrection in the style of Spain, inspiring it with their own energy, directing the movements of Blücher, Schill and Brunswick, and helped eargerly, as such leaders might expect to be, by Canning and England.

Prussia's fate now depended upon two things, first the decision of the Czar, since the King had pronounced the countenance of Russia a necessary condition of any policy of insurrection, secondly the arrangement that might be made with Napoleon with respect to the withdrawal of the French army.

When the King declared the Czar's countenance necessary he may have merely meant to say that resistance to Napoleon in itself was a desperate measure and therefore not to be thought of unless his other frontier was secure from attack. Otherwise the Czar's countenance was in fact little more to be looked for than the countenance of Napoleon himself. If the want of concert among the Governments did much to ruin their cause in 1809, of course Napoleon's rock of safety in that year was that which he had laid at Tilsit, the Russian alliance. This was the one occasion on which that system was put to proof, and most serviceable it showed itself to be. Alexander had been almost as much the author of the humiliation of Prussia as Napoleon; he had actually taken part of the spoils; he had insulted Prussia by allowing Napoleon to say that it was only out of friendship for him that the King of Prussia was restored to a part of his dominions. There seems therefore to be something singularly confiding in the King's determination to follow Alexander's advice as to whether he should try to break the chains which had been laid on him with Alexander's own consent and assistance and for Alexander's advantage. This Czar earned at a later time the gratitude of Europe, but now he looked on with the

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coldest composure and quietly pocketed his bribe, while what might well have been the final subjugation of Germany was accomplished by his ally. He had been engaged in the first half of 1808 in taking possession of the first instalment of the price of Tilsit, viz. Finland, but he had been promised more acquisitions in Turkey, and at the moment when Frederick William determined to be guided by his advice he saw his way to obtain a second instalment by obliging Napoleon again. Napoleon was in real and urgent need of his good offices; he had to make up the ground he had lost in Spain and he could only do this by a great parade of his good understanding with Russia. The work of Tilsit must be solemnly ratified in the presence of Europe, and such a display must be made of the boundless power of the two Emperors as should efface from the public mind the impressions made by the capitulation of Baylen and the flight from Madrid. For a consideration the Czar was ready to gratify him in this matter; the consideration was the Danubian Principalities. Erfurt was fixed upon to be the scene of the great demonstration, and when the King of Prussia told his Ministers that everything depended on the Czar, he added that the Czar's advice could be obtained on the occasion of his passing through Königsberg on his way to Erfurt. He might surely have added also that the very fact that the Czar was going to Erfurt with such an object was enough to show beforehand what his advice to Prussia would be. It seems however not to have been generally understood just then how completely the Czar was for the time on the side of Napoleon, and not only the King but even Stein and also the Austrian Ministers* seem to have thought it quite possible that they might have the help of Russia in their enterprise. Alexander arrived in Königsberg on September 18th and remained three days. He promised to intercede with Napoleon for the remission of part of his pecuniary claims and for the withdrawal of his troops, but beyond this he only

* Nap. Corr. 14254.

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recommended patience and delay. Everything, he said, must be avoided which could lead to a breach between Austria and France; if this were to occur, Napoleon might postpone the settlement of Spain and turn his whole force against Austria. The insincerity of this argument was evident. It was not serious to say that, because Napoleon if attacked at once might at great inconvenience to himself meet the attack with all his forces, therefore it was desirable to wait till the Spanish affairs were settled and he could use all his forces without any inconvenience to himself. Stein answered as follows, brushing away this argument in a single contemptuous sentence, and then proceeding to expound his plan of a German insurrection and to demand the active assistance of Russia in the tone of one who really expected to get it.

If we admit this it does not follow that we are to let Spain be crushed, and France immediately afterwards throw herself on Austria and complete the subjugation of Europe; on the contrary we must attack France while she is occupied with Spain, and we must make ready for this united attack.

Austria is armed and has set on foot a great military force; the use of it depends on Russia's decision and assent. Russia is entangled in a purposeless war with Sweden and the Porte, which occupies her military force: these hindrances must be removed with a careful hand.

Prussia is hampered by the French occupation of the land—this, it is to be hoped, will be removed by the negotiations at Erfurt; when this is accomplished we can immediately make all preparations for an army of at least 80,000 men, a Landsturm of 100,000, for an attempt on the fortresses of Magdeburg, Küstrin, Glogau, Stettin, and a rapid attack on the Kingdom of Westphalia.

If we are assured that Russia and Austria will attack in a short time we may be the more complying since the approaching war will dissolve again the engagements we form; but we must firmly insist, in the settlement at Erfurt, on the evacuation of the country and restoration of the prisoners.

Meanwhile we *must foster and support the spirit of insurrection in the Kingdom of Westphalia*, and when the movement begins we must summon the nation to a struggle with the common enemy by appropriate proclamations setting forth the object of the war, viz., the liberation of Germany from the yoke of France.

There reigns in the lost provinces of Prussia and in Hessen a great degree of disaffection, and these assuredly will all flock to the standards of German liberty.

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If besides a proclamation suited to the spirit of the nation and its expectations is issued, and if appropriate arrangements are devised in the same spirit to rouse and propagate the insurrection by persuasion and compulsion, success is not at all doubtful.

But the Princes who put themselves at the head of the nation must surround themselves with men of vigour capable of self-devotion, and must put away from them all weaklings and lovers of ease and enjoyment if they would convince the nations of the fixedness of their purposes.

Germany has occasioned her own and Europe's misfortune, she must recover again, by her efforts, her own and Europe's liberty; next she must give itself a Constitution which may restore her vigour, her unity, a legal condition of things and independence of French influence. Only one enemy of her independence, her morality, her progressive national development has Germany, and that is France. Let her make ready for a persistent and obstinate struggle with the restless, vain and domineering nation that has marred for centuries her neighbours' happiness and her own.

In the present circumstances it is necessary that Russia should (*a*) take measures for making her forces available for the great end of the liberation of Europe, (*b*) enter with Austria and Prussia into a distinct understanding to attack France while she is engaged with Spain in order to liberate Germany: (*c*) endeavour at Erfurt that the most favourable arrangement possible may be made about the evacuation of Prussia and fulfilment of the Treaty of Tilsit.

It would appear from this document that Stein had little notion of what the Czar was really meditating. He appears to take his good will and almost his assistance for granted, perhaps because he saw so clearly what Russia's interest really was. Had the Czar taken this advice, he would have saved himself the life-and-death struggle of 1812, and the Turkish provinces for which he sinned did not fall to him after all. But he would not understand that Napoleon was playing the same game with him that he had played so long with Prussia; that he was, in fact, only fattening him for the slaughter. He now quitted Königsberg for Erfurt, whither it was intended that Stein should follow him in order to negotiate with Napoleon.

I turn now to the other foreign affair which was under discussion during these same months of August and September, that is, the arrangement with France about the fulfilment of the Treaty of Tilsit by the evacuation of the

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country. It has been seen that this evacuation had been delayed up to this time, first by the enormous demands made by France, and afterwards, when Stein had succeeded in satisfying the demands of Daru, by Napoleon's simple passive refusal to consider the subject. There is every reason to think that in the then condition of affairs Napoleon had no intention of evacuating a country where his troops were advantageously placed for watching Russia and Austria and were supported at the expense of Prussia. Everything had been altered by the rising in Spain. Napoleon now wanted his troops, and had made up his mind at last to fulfil the Treaty of Tilsit.

The reader's natural impression will be, as soon as the case is thus put before him, that the worst is over for Prussia, and that it will be easy for her to make some advantage out of the serious shock which Napoleon's affairs had received. This seems to have been Stein's first impression, for he writes thus:

> The general condition of the foreign relations of France, the Spanish and Austrian affairs, the alteration in Turkey, the internal exhaustion of the country, have decided the Emperor to make advances to Prussia, and he probably means to turn all his united forces against Spain. Accordingly, we may expect that he will be easier to deal with, and will grant more favourable conditions than hitherto.

We have seen that Stein was deliberately of opinion that insurrection and resistance to the utmost was the right course for Prussia to adopt. This might be, and indeed he allowed it to be, a counsel of despair; but if we should admit that he went too far, there was at any rate so much plausibility in his proposal that use might have been made of it to bring Napoleon to reason. Prussia would certainly risk little, considering how little she still had to risk, by refusing to make any more concessions. She might have said, "What we have surrendered in Daru's convention is far more than we ever supposed ourselves to surrender when the Treaty of Tilsit was signed, and yet that treaty

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struck with dismay every Prussian who read it. What pretext is there now for demanding more? Have we waged another war with France, and suffered a new defeat? If it is in the mere wantonness of superior power that new concessions are now exacted from us, let Napoleon consider whether our very interest does not actually bid us resist rather than comply. He may indeed annex us—we are more than half annexed already—but can he do so without troops, and does he not want his troops in Spain? Let him understand that we have already begun to consider whether the wisest course to take with him is not the most desperate, and that our leading Ministers are clearly of that opinion. He knows that Austria can already hardly restrain herself, while he himself judges Spain to require his personal presence at the head of 300,000 men. We are at the end of our concessions; if he wants more than we now offer, let him add to the two great wars he has already on his hands another which will be conducted with something of the spirit of the Spaniards, a war in which, supposing him to be successful, we shall lose little, while he cannot but lose much."

It was no doubt to be expected that Napoleon would at first make new demands in return for withdrawing his troops. It was not his custom to lose anything for want of asking for it, and in the present case imperiousness was the best mask under which he could conceal embarrassment and weakness. But if the Prussian King would only entrench himself in his despair and firmly refuse to be thus browbeaten, it was impossible but that in the end Napoleon must give way. We are now to describe how not even despair could inspire the King with courage, and how Prussia, already brought so low, took another downward step.

In the first place, Napoleon raised his pecuniary claim which, by the Convention of March, was little over 100,000,000 francs to 141,000,000. This was to be paid over to France

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in a form which would require Prussia to disburse nearly two million thalers and a half every month. Moreover, by a repetition of the trick played at Tilsit, other claims, those namely of the ceded provinces, upon the Prussian Government were proposed to be left for future settlement; and as Daru had reckoned these at 135,000,000 francs, it was evident that the new treaty would set Prussia free as little as the old one; and that it would afford Napoleon a pretext for sending back the troops he now withdrew, as soon as he should again find it convenient to subsist them at the expense of Prussia. In addition, the famous provision was to be introduced in a secret article, that the Prussian army was to be limited to 42,000 men. And for his part Napoleon offered in return *not* to evacuate the country. He proposed to retain three fortresses on the Oder, Stettin, Küstrin, and Glogau, with garrisons of which the amount was to be stated and which were to be subsisted partly at the expense of the Prussian government. These were the terms now offered by Napoleon; it will be seen that they are in no way what they professed to be, the terms of Tilsit offered again after an interval of more than a year; but a new treaty considerably more afflicting to Prussia, which Napoleon has the assurance to offer at a moment when his power is seriously shaken and when he urgently wants his troops. But in an experience of many years he had formed his opinion of the King of Prussia and of what one might venture to propose to him, and his calculation proved correct. These proposals were made at Paris to Prince Wilhelm and Ambassador Brockhausen on the 27th and 28th of August, and Stein's report on them is dated September 14th. It makes no comment on the stipulation about the army and is confined to the pecuniary claims. It affirms that Prussia, exhausted as she was, literally could not pay a sum of almost two million and a half per month, points out the injustice of the claim, and declares that "by accepting such proposals the Prussian State would recognize unjust claims as legitimate, incur obligations it could not fulfil, and remain exposed to the danger

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of being occupied by troops once more, and seeing the royal family driven out under the pretext of breach of engagements."

He does not of course propose to meet the proposal with a blunt negative, but remarks that

> The situation warns us to make no hasty resolution, for Austria's declaration has left Napoleon in perplexity, and the insurrection in Spain, where the French troops are driven over the Ebro and Portugal is liberated, is taking a solid and important character, while the hope of embarrassing England by closing the harbours of the continent has vanished and left her position more splendid than ever, and we may expect that the Emperor Alexander will in the end, recollecting his dignity and the danger to which his independence will be exposed by the subjugation of Prussia, take up the cause of this country, its ruler and his family.

He concludes thus:

> It is therefore my opinion that we should not accept M. Champagny's proposals, but abide by the Convention of March, only stipulating for a longer term, that we should inform Austria of the course of the negotiations and demand her cooperation, that we should represent to the Emperor Alexander the injustice of M. Champagny's new proposals and the impossibility of accepting them, and also recall the Prince.

Thus, on the whole, Stein's foreign policy at this crisis consists, first, in making the best terms possible with Napoleon in respect of the evacuation; secondly, in preparing resolutely for an insurrection throughout North Germany, to begin as soon as war should be declared between France and Austria. It is true, as he himself remarks, that if an insurrection was at hand it was in itself of little consequence what engagements were entered into at Erfurt; but he had no desire, even under duress, to sign conditions without the intention of performing them; and in a case where so much depended upon guiding and animating to enthusiasm the feeling of the country, it was all-important not to begin by acts which would wear the appearance of weakness. Such was his plan, bold, no doubt, yet far less bold than that which Spain had adopted in the spring; the principal diffi-

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culty of it lay perhaps in the coldness and want of clearness which was already discernible in the conduct of Austria; but we cannot help thinking that, in the hands of Stein, such a plan might have succeeded splendidly, for the simplicity and breadth of it were suited to his genius.

On the other hand, what at this crisis were Napoleon's views? Surely the lesson of Baylen had not been thrown away upon him; surely he must have had some notion of the danger of a popular insurrection in Germany. Perhaps not, for he was a soldier, surrounded with soldiers; he felt and continually heard expressed contempt for amateur fighting. When he thought of Baylen it presented itself not as a great victory won by a popular army but simply as a misfortune caused by the unaccountable blunders of Dupont. But even if otherwise, he might fairly argue that the Germans had it not in them to rebel after the fashion of Spaniards. And then he remembered the miserable incapacity he had always found in their leaders; in Austria, Cobenzl, Mack; in Prussia, Haugwitz, Kalkreuth. We have no reason to think that he had yet discerned Stein and Scharnhorst to be of a different stamp; but even if he had there was a consideration left which was amply sufficient to reassure him. Both in Austria and Prussia the monarchy was despotic; it mattered nothing that the minister was strong if the sovereign was weak. He knew Frederick William, and this knowledge put him at his ease. His ministers would be for the most part like himself, but if by any accident he should call a stronger spirit to his aid Napoleon knew what to do, for the case had occurred only a year before. Hardenberg had at that time given him trouble and he had caused Hardenberg to be dismissed. If another Hardenberg or a stronger than Hardenberg stood now at the King's side, what he had forced the King to do before Tilsit he could with no less ease insist on now. He would demand Stein's dismissal.

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CHAPTER III.

STEIN AND THE TUGENDBUND.

THE reader will have observed in the last chapters that a change has come over the character of our hero. His original bias had been towards the industrial and financial departments of politics, and as late as 1807 we saw him declining the foreign portfolio on the ground of inexperience in that department. Even in the first months of his Ministry we remarked nothing warlike in him. He has no thought of a spirited foreign policy, and we do not find him in those first months indulging in any dream more ambitious than that of seeing the country freed from foreign troops, its industry restored, and its Ministers no longer dictated to by a Camarilla. It is true that all his reforms have been so far military that their ultimate object has been to prevent such another catastrophe as that of Jena, and probably also at some future and quite undetermined time to assert some kind of independence against Napoleon and take advantage of any turn in the tide of his fortune. His thoughts and views are now entirely changed. He is bent upon war, speedy war, and of the most desperate kind. "Auctor ego audendi," has become his advice to Frederick William; and in his position such advice meant something more and different than adhesion to war policy meant in Canning or even in the Austrian Stadion. Prussia was reduced so low that war on her part would of itself have the character of an insurrection, not to mention that it was proposed to carry it on by the methods of insurrection. Varnhagen v. Ense tells us that he could not listen to Fichte delivering his Addresses to the German Nation without thinking uncomfortably of Palm, the Nürnberg bookseller, and of his fate. Much more may this be said of Stein and his advice. In a Corsican age such advice could not be given without risk. By Napo-

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leon's order a troop of cavalry might move on Königsberg as formerly on Ettenheim, and afterwards a Military Commission sit at Berlin as formerly at Vincennes. It was by no means improbable that if Stein's schemes should become known to Napoleon before Prussia was committed to them they would provoke him to some act of sudden violence. For Stein to make himself responsible for such schemes was therefore an act of no common daring, and it was an act by which he knowingly changed the whole character of his life. He stepped out deliberately, and we may say alone—for the other members of the party, even Scharnhorst, drew comparatively little attention—into a position of deadly hostility to the omnipotent conqueror. No person similarly placed had done this before, for in Spain the leaders had been outstripped and hurried forward by the people. He could not expect but by great good luck to play the part of the Great Irreconcilable with impunity. Napoleon's power would not in any case be broken for a considerable time, and in the meanwhile how could a private man escape it? We may understand therefore the full meaning of his words quoted above: "We must make ourselves familiar with the thought of every kind of sacrifice, and of death, if we would tread the path proposed." The actual result was that in a few months he was an exile fleeing for his life and deprived of his property; and this result he must have clearly foreseen from the month of August to be probably in store for him.

I have stated the reasons he gave for advocating so extreme a policy. If it be asked why he had not adopted it earlier, the answer is to be found partly in the example set by Spain, but partly also, I think, in the reflexions he had made upon Napoleon's conduct with respect to the Convention of Berlin. He had come to perceive what seems obvious enough, yet what few politicians of that age could clearly understand, that Napoleon systematically broke his engagements, and that therefore it was madness for Prussia, weakened as she was, to make any peaceful arrangement

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with him, because in any such arrangement Prussia's concessions would be rigorously exacted, but the equivalents would not be given. Thus on October 12th he writes,

> Has the Emperor Napoleon since the year 1796, when he first appeared on the great stage, *ever* kept his promise? Were not Sardinia, Venice, Switzerland, Egypt, and now at last Spain, victims of the blackest treachery? Has he ever observed any engagement taken to his own nation? Has he not arbitrarily destroyed and altered every part of the Constitution he had sworn to observe, involved the country in continual wars, and destroyed all the sources of her industry?

And here is the conclusion, expressed with decisive energy.

> For the honest man there is no safety but in the conviction that this unprincipled man is capable of every crime, and in acting up to that conviction with promptitude, resolution, and persistence. It is more than blindness, it is a high degree of folly, to confide in the man of whom it was said with so much truth, that he "has hell in his heart and chaos in his head." Unfortunately the credulity of the weak is as inexhaustible as the inventiveness of the wicked, and if they do not believe they let themselves constantly be fooled by hope.

I have observed above that English people think of Stein almost exclusively in connexion with land laws. But the second and more warlike period of his Ministry has also left a faint impression in the minds of many among us, who are in the habit of regarding him as the founder of the Tugendbund. In August and September, the very months in which Stein was taking up his new position, this society was attracting general attention, and accordingly this is the place to consider Stein's relation to it.

That he was secretly animating and urging it on must have seemed at the time more than probable, almost self-evident. It aimed at the very objects which he had at heart, it spoke of him with warm admiration, and in general it used language which seemed an echo of his own. Without at least the sanction of the Government such a society could not exist in Prussia, and such sanction the Tugendbund had

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applied for and received. And though in common prudence Stein could not publicly connect himself with it more directly, some such organisation seemed so necessary for carrying out what were known to be his plans, that it seemed impossible but that he had suggested and set it on foot. Such an opinion once started would for a long time gain ground in a country where the habitual action of government was secret and where public opinion lived almost entirely upon guesses and conjectures. The following extract from Marwitz, who has already been more than once referred to, puts vividly before us the common belief of the time:

The greatest expectations were formed of Minister Stein, for he was a man of acquirements, much understanding and energy. Moreover, though an Imperial Knight, he had been long enough in our service, as President in Westphalia and lately as Minister, to know the constitution and the wants of the country. At any rate, as respected the immediate need, namely to learn the total of the enemy's claims in all Provinces, and then to raise the money in any way, which wanted only activity and knowledge of the money market, for that he seemed exactly the right person. I think it quite certain that in the autumn of 1807 the enemy could have been settled with for some 20,000,000 thalers, that is, the sum to which a year and a half later the debts of the Kurmark alone had risen.

But we were deceived. He did not advance this matter at all. Instead of that he brought the Revolution into the country, the results of which have cost the country so much that Napoleon's extortions vanish in the comparison like an illusion before an appalling reality. It seems that he was not at all disposed to pay the contribution but rather aimed at overthrowing Napoleon, and for this end he favoured the Tugendbund. The French have written of its great power, and of the harm it did them; others have said that it was only an association of persons of similar views without any political object; others again that there was such an object, but the matter was quite unimportant and the society was soon dissolved. All these statements are right, for it was with the Tugendbund as with all secret societies; there were in it deceivers, deceived, and persons frivolously well-meaning; *is habitus animorum ut pessimum facinus auderent pauci, plures vellent, omnes paterentur.* Naturally the latter were the majority: they were used to get intelligence from all quarters, to create irritation against the French (no difficult matter! for they did all they could themselves to make themselves hated), and then to make reports how discontented people are here and how discontented people are there, how here or there a rising will take place directly, and so forth. A number of deep fellows made themselves in this way an easy and agreeable livelihood, and it is scarcely to be believed what sums these people cost the Prussian treasury. You saw beardless boys and men without occupation, who

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had not a groschen of their own, undertake long journeys with every convenience, come back, live in comfort and without occupation, or betake themselves with an important air now to this place, now to that, and when you asked where the means came from, you were referred in a mysterious way to associations and officials in high places. But with all these people Stein accomplished nothing but his own downfall. The King himself was no stranger to the Tugendbund; the unmeaning rules of the Association had been laid before him and he had approved them. He had also, to be sure, listened to the reports, but without making up his mind to cooperate personally. But the higher classes of the Tugendbund thought otherwise; the Dupes were convinced that the King would be dragged into the universal agitation (which they thought was at the doors); the Deceivers wanted in the first place power and money, then further, when the moment came, to use and avail themselves of it, if not with the King then without any scruple against him. And so these were the traitors.

With these (and there was no want of helpers from the other classes) Stein began the revolutionising of his country, the war of indigence against property, industry against agriculture, the changing against the fixed, crass Materialism against God's appointed order, supposed Utility against Right, the Present against the Past and the Future, the individual against the Family, speculators and counting-houses against the Land and honest trade, the bureaus against the historical conditions of the country, knowledge and supposed talents against virtue and honourable character.

This invective, so racy of the time, comes, it will be seen, from the Conservative camp; but the view of Stein's policy which it presents was perhaps the ordinary view of the time common to both sides, though one side called it good and the other side bad. The reader is already in a condition to detect the inaccuracy of much of it. That the French could have been settled with at first for 20,000,000 thalers is certainly not true, nor is it true that Stein neglected the business of paying the French for more ambitious schemes. He did all that was possible, and more than had seemed possible, towards paying them, and did not desist till he discovered that he was pouring his money into a Danaid's vase. Whatever his connexion with the Tugendbund may have been, it cannot have commenced till April, 1808, for it was in that month that the Tugendbund began its existence, and therefore nothing can be more absurd than to represent Stein as beginning to revolutionise the country with the help of the Tugendbund, for his revolu-

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tionary edict had been promulgated in the October before. Through the whole description there runs a superb contempt for dates, and a disregard of the distinction remarked above between the peaceful and the warlike periods of Stein's Ministry. But let us now proceed to examine the assumption made throughout this passage, that the Tugendbund was, as it were, Stein's army, and the principal engine of his policy, if not actually founded by him. In his autobiography, after the reference above quoted to Fichte's Lectures, Stein continues thus:

> An effect and not the cause of this passionate national indignation at the despotism of Napoleon was the Tugendbund, of which I was no more the founder than I was a member, as I can assert on my honour and as is well known to its originators. About July, 1808, there was formed at Königsberg a society consisting of several officers, for example, Col. Gneisenau, Grolmann, &c., and learned men, such as Professor Krug, in order to combat selfishness and to rouse the nobler moral feelings; and according to the requirements of the existing laws they communicated their statutes and the list of their members to the King's Majesty, who sanctioned the former without any action on my part, it being my belief in general that there was no need of any other institute but to put new life into the spirit of Christian patriotism, the germ of which lay already in the existing institutions of State and Church.
>
> The new Society held its meetings, but of the proceedings I knew nothing, and when later it proposed to exert an indirect influence upon educational and military institutions I rejected the proposal as encroaching on the department of the civil and ecclesiastical governing bodies. As I was driven soon afterwards out of the public service, I know nothing of the further operations of this Society.

Nothing can be more cold and unqualified than this repudiation of the Tugendbund and all belonging to it; Marwitz himself could not refrain more carefully from applying to it a single word of commendation. Stein does not deign even to say that though, as Minister, he could not connect himself with it, yet he considered it a society that might do good. And he certainly seems to intend his readers to understand that he had not even any indirect or underhand connexion with it, but from first to last stood entirely aloof, except in one case when he interfered to restrain its action. It is even possible that by telling us that he had nothing to

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do with the step taken by the King when he sanctioned the statutes of the society he means to hint that had his advice been taken, the society would not have been even allowed to exist. This is startling, not merely because it runs so directly counter to the popular belief, but also because it seems at first sight so contrary to the probability of the case. If not by some such society as this, in what way were Stein's schemes to be carried out, and how was public opinion to be prepared for the contemplated insurrection? And yet it is difficult to imagine that he is concealing, still more that he is misrepresenting the truth in this passage. For it was written long after the occurrences; it was not published till after his death; and moreover it is supported by the testimony of the Russian Count Uwaroff in a passage presently to be given, where he relates what he heard from Stein in the year 1809, and particularly mentions, as though it were even then a favourite topic with Stein, that he used to speak disapprovingly of secret societies. Add to this a solemn declaration made to Pertz in 1830: "I never took part in it, I thought it impractical, and in practice it sank into vulgarity."

The principal fact affirmed by Stein is indeed now beyond controversy; Stein was certainly not either the founder or a member of the Tugendbund. The society commonly known by that name, which however designated itself as the Moral and Scientific Union, was founded by a number of persons, of whom many were Freemasons, at Königsberg in the month of April. Professor Krug, mentioned by Stein, was one of them; Gneisenau and Grolmann, whom he also mentions, were not among the first members, and Gneisenau, it seems, was never a member. The statutes were drawn by Krug, Bardeleben and Baersch, and if any one person can be called the Founder of the Tugendbund, the second of these, Bardeleben, seems best to deserve the title. The Order of Cabinet by which the society was licensed is dated Königsberg, June 30th, and runs as follows:

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The revival of morality, religion, serious taste and public spirit, is assuredly most commendable; and, so far as the society now being formed under the name of a Virtue Union (Tugendverein) is occupied with this within the limits of the laws of the country and without any interference in politics or public administration, His Majesty the King of Prussia approves the object and constitution of the society.

His Majesty communicates this to the Presidents of the Union, Lehmann, v. Both, Velhagen, Chiffland, and Bardeleben, upon their application of the 18th of this month, in the expectation that they will avoid any perversion of the Society, which would lead to its instant dissolution, and they are required to send in a list of their members, not only now, but also quarterly.

FRIEDRICH WILHELM.

From Königsberg missionaries went forth who established branch associations, called Chambers, in other towns, first those of the Province of Prussia, Braunsberg, Elbing, Graudenz, Eylau, Hohenstein, Memel, Stallupöhnen; then in August and September Bardeleben spread the movement with great success through Silesia. The spirit which animated the new society could not but be approved by every patriot. They had been deeply struck with the decay of the nation, as shown in the occurrences of the war, and their views of the way in which it might be revived were much the same as those of Stein and Fichte. The only question was whether they were wise in organising a society in order to promulgate these views, whether such a society was likely to do much good, and also whether it might not by possibility do much harm. Stein's view, as he has given it, was that it was not likely to do much good, and that such an organisation was unnecessary. But if this was the whole of his view it seems difficult to account for his behaviour. There was not so much zeal for the public good at that time in Prussia that the self-sacrificing efforts of private citizens, even if they were unpractical and not likely to lead to much, should deserve to be treated with cold indifference and severity. To rouse the citizens to an interest in public affairs, to teach them to think much of their country and to sacrifice something for it, was Stein's special task. The Tugendbund was surely at the very least a cheering re-

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sponse to his efforts. That it was not very wise was almost a matter of course, for it was the effort of a patriotism which was wholly inexperienced. At any rate it was a movement in the right direction; and how was it possible to be sure that any movement of the kind, any agitation which might draw public attention, any canvassing whatever of the great interests of the country, any soliciting of individuals to enrol themselves in a society of patriots, would be useless? The Society lost no opportunity of bestowing enthusiastic praise on Stein; they looked up to him as their master, and this probably more than anything else led the public to feel certain that they acted by his orders. If this was after all really not so, if all this enthusiastic adhesion was unsought and voluntary, still we might expect to find Stein grateful for it, and therefore treating the Society with as much indulgence as possible. These considerations lead me to think that his views went further than he has chosen to reveal, and that he considered the Society not merely unpractical but positively dangerous and mischievous.

No one can read the King's Cabinet Order without seeing that this view might be taken, for the King seems even more impressed with the abuse which may be made of the organisation than with its probable usefulness. The following passage will show the impression received by no less a person than Schleiermacher, the great theologian and preacher, who divides with Fichte the honour of having led the intellectual part of the nation at this crisis into the path of patriotism, and who, like Stein himself, was associated in the popular imagination with the Tugendbund. It is taken from an answer written in 1816 to a celebrated pamphlet by Dr. Schmalz, Scharnhorst's brother-in-law.

With the Moral and Scientific Union (for the sake of the uninformed I add that it is only this which is designated, as I understand, before the public by the nickname of Tugendbund, and if anyone—for one can be as little certain here as with the popular names of plants—understands another society by the name of Tugendbund, about *that* Tugendbund I know nothing at all) I say with the Moral and Scientific Union I have had no more to do than you. I

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too had later, soon after the arrival of the first troops, a visit from a Herr B., not the same I think as he whom you denote by that letter (it was Baersch); he proposed that I should become the director of the Chamber here (*i.e.* in Berlin). I answered that it was against my principles to enter any secret society. He considered this Union was not one, for the Government know both the members and the statutes, and the latter at any rate I was at liberty to read. I read them, and when he came again I said to him pretty much what Niebuhr said, that even in good hands the Union would be but an insignificant affair, but if bad hands got possession of it, by its nature and constitution it might become as dangerous as the Jacobin Club. Since that I have heard so little of it that I thought it had never existed in Berlin.

The words of Niebuhr referred to in this passage are as follows:

I myself, even if I had not been abroad at the time of its establishment, would not on any account have become a member of it, for this reason, that the statutes, without any bad intention on the part of their authors, were calculated to lead either to the most mischievous or else to the most futile results. It was planned as an *imperium in imperio*, which, if it had come to life, would have been in a condition to remove the Government as soon as it might wish: and it ought to put our alarmists somewhat at their ease that so dangerous a constitution remained so purely harmless as it notoriously did.

It seems to me that these two expressions of opinion entirely remove the difficulty of understanding Stein's conduct. Both Niebuhr and Schleiermacher may be said to have belonged to Stein's party, so far at least as that any opinion in which they agreed was likely also to be his opinion. Both were deeply impressed with the effeminacy of the nation, both were eager to rouse it from its sloth and inspire it with patriotism, and yet both condemn the Tugendbund so strongly that I think had they been in Stein's place they must have advised against permitting its existence. The key to the enigma is probably to be found in Schleiermacher's allusion to the Jacobin Club. No one in Germany was more liberal than Stein, no one more convinced of the necessity of treating the people with confidence and giving them a voice in public affairs. But he designed their deliberative Assemblies to be part of the constitution of the State, to stand in a definite relation, probably at first a dependent relation, to the Executive

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Government. It did not follow because he desired Estates or Parliaments that he was prepared to sanction a political club. Even if he looked forward to a time when clubs also might be permitted, he might still be of opinion that the time was not come. He was much in the habit of guiding himself by historical examples, and particularly examples taken from England, and it could not but occur to him that even England had in that age thought herself obliged to limit the right of public meeting. And yet England had been long accustomed to liberty, she was prosperous, and when the repressive acts were passed she was on the whole contented. The case of Prussia was more parallel to that of France; the pressure of need and humiliation in Prussia was such as might have maddened a more excitable people; and that sweeping changes were necessary Stein himself had confessed by the Edict of October. These were precisely the conditions which had made the Jacobin Club what it was, and it may well have seemed to him that to suffer a political club to come into existence was to allow the guidance of the Revolution which he had begun to pass out of his hands.

There appears, then, when we consider it closely, nothing unnatural in the course which Stein declares himself to have taken. It is however so exactly the reverse of the course which he has been universally believed to have taken, that we may be excused for hesitating to believe his statement and for inquiring carefully whether it agrees with the other evidence. We find then that Voigt, who has had the papers of the Tugendbund before him, declares that "they fully confirm it; that they show him to have been rather unfavourably than favourably disposed to the Society, and that he does not seem to have had the smallest share, even indirectly, in originating it." It appears that direct applications made by the Society in the most humble and reverential language for his support were left unanswered by him, and that towards the end of September he made a positive attack upon it by a letter, in which he declared that

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the King's Cabinet Order in forbidding it to interfere in politics or administration had bound it to revise its statutes, and that he regretted to find that this revision had not taken place. This charge was based on a Report written by a certain Assessor Koppe (of whom we shall hear again) in which the Society was bitterly assailed as Jesuitical.

Is there any evidence on the other side? No instance, I believe, is known in which Stein by any definite act favoured the Society. All that can be said is that some persons who might be expected to know the truth believed Stein to favour it underhand. Thus Baersch, a prominent member, while admitting that Stein was not a member and still less the founder of it, adds he was however a protector of it. And at the end of Voigt's *Geschichte des sogenannten Tugendbundes* is printed an anonymous statement about the Tugendbund, professing to come from "a statesman," in which Stein's mode of dealing with the Society is described with a great air of particular knowledge. We are told that he was anxious to keep his connexion with it secret, and was glad to see insignificant people directing it because he could the more easily throw them over if there was occasion. For this reason he favoured the advancement of Prince Hohenzollern-Hechingen, who was an object of ridicule. Afterwards the proceedings of the Society began to be so senseless that there was danger of the secret being blown upon; accordingly Boyen and Grolmann were introduced into it as ballast. But they reported that nothing was to be made of a society which was conducted in such a vulgar and unintelligent way. Stein himself before his retirement had come to despair of it, and in fact it had fallen into general contempt.

Schön also asserts that "Stein was full of this hazy idea," and that "in the Tugendbund he thought he had puppets of which he could pull the strings at pleasure." But this testimony is not to be regarded as additional to that of the anonymous "statesman," for the statesman is in all probability (Pertz seems positively to assert it) Schön

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himself. And when the statesman's assertions are examined they are seen to have the definite object of defending the current belief, which Schön had so strongly corroborated, against Stein's formidable disclaimer. Thus Stein says the Tugendbund was vulgar, and that he interfered to check it; true, says this statement, of the time just before his retirement, but at the beginning he had treated it differently. I had nothing to do with it, he says; true, says this statement, he *did* grow ashamed of it. The reconciliation evidently is only apparent. Stein does not say that he left it; he says expressly that he never had anything to do with it; and there is no reason why we should doubt his word, for if the truth was that he had hoped something from it at the beginning but had found himself disappointed, we can imagine no reason why he should not have said so. But it is not necessary to suppose that there must have been a grain of truth at the bottom of the popular belief. That belief requires no explanation; it grew up in the most natural manner from the admiration of the society for Stein, from the agreement between their general views and his, and from the fact that his plans were such as seemed to require the formation of such popular societies.

It is now to be observed that hitherto we have had in view solely the Moral and Scientific Union, commonly called the Tugendbund. Other societies, though there may have been others with a very similar object, and though these too may have sometimes been called Tugendbund, have not yet been referred to. The objection to the Moral and Scientific Union was not to a society as such, but to a society with that particular constitution. It stood in some connexion with Freemasonry, it had too much organization within itself and too little connexion with the Government. But it would indeed be very difficult to believe that Stein hoped to carry out his plans without the help of societies of the same kind. Nothing however of this kind does he assert, and the popular mistake is to some extent a verbal one. It is customary to think of the Tugendbund as a vast

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union into which all the discontent of Prussia and Germany spontaneously threw itself, whereas it was in reality merely a fantastic attempt of one section of the discontented to give to their movement a peculiar organization which was unnecessary and might be thought dangerous. But by the side of the Tugendbund there were other societies without this dangerous organization, indeed with scarcely any organization at all, and with these societies Stein was undoubtedly connected. I have quoted the statement of Schleiermacher that he had believed the Tugendbund had not existed in Berlin; this was true, no Chamber was ever established there; but Schleiermacher goes on to tell us that there existed another society in Berlin of which he was a member:

> That before, when the enemy was still in the land and the Peace was daily violated in the most insolent manner, men principally of military views, who on account of her personal connexions might think that their secret assistance was reckoned on in certain contingencies, that such men met to prepare for and lead the way to these very contingencies, is what every one will approve. They did it at their own risk, and no abuse of such a practice could be thought of as even possible. I cannot speak of membership, for no formality whatever existed, and there were really many persons of whom I could not say whether they were members or not. This however I know, that in taking part in their meetings I had never the slightest feeling that I was violating my principle of never entering a secret society.

From the papers of Schleiermacher some curious particulars about this Committee, for so it was called, have been published. Count Chasot was at the head of it, and its connexions extended over the whole of North Germany. While that eager controversy about the insurrection was going on at Königsberg in August and September, the Committee became naturally very much excited. They were desirous to have good information and instructions from head-quarters, and for this purpose determined to send a correspondent to Königsberg. The person selected was Schleiermacher himself. He arrived in Königsberg on August 25th, and remained there till about the 22nd or 23rd

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of September. He was in frequent communication with Stein at that anxious time, and he was there when the Czar made his visit. He writes later to his friend Brinckmann:

I had a capital opportunity of going to Königsberg. There I saw again many old friends and acquaintances; unfortunately I did not pass much time with Stägemann. But I made a pretty close acquaintance with that grand fellow Stein, as well as Gneisenau and Scharnhorst, spoke to the Queen, and more than all learned to know the Princess Wilhelm, whom I take for one of the first and noblest of German women.

This letter was written in February, 1809, but a few letters are also preserved which were written from Königsberg during his visit. As they relate to the dangerous subject of the insurrection, they are naturally written in mysterious language, and when persons are referred to it is under fictitious names. For instance, when he writes of the Queen and the Princess Wilhelm, it is in the following style: "Quednow and his wife I have not yet conversed with, and I have only seen them in church; but I often see his children, and to-day I am to dine with his sister-in-law." For the most part what concerns important matters in these letters is too obscure to be interesting. There are however one or two gleams of light, and Stein seems evidently more than once referred to. On September 6th he writes:

I am not fortunate with Call, for I almost always miss him. I have been with *Christ* both morning and evening, and will see if I can arrange another confidential interview with him. In that case no doubt much could be settled. Hitherto I have mostly had to do with Neubaur, and I have come successfully to an understanding with him about much, but on some points not, and these could perhaps be better arranged with Christ. As to the necessity of the principal affair we seem all to be quite agreed, but there is alarm at the possibility of the land being left in weeds and very justly.

Christ appears to be Stein; Call is perhaps Gneisenau. The last sentence states in a riddling form the exact state of the debate among the patriots. They were agreed upon the necessity of the insurrection, but strongly impressed with the danger of undertaking it with half-hearted agents,

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such as the King never would quite part with, a Köckeritz or a Kalkreuth, mixed up among those who were staunch, like the tares with the wheat.

One out yonder has said that on the 20th of last month a decisive interview was to take place between the good man (dem lieben Manne) and our friend there. Christ is hourly expecting news of this, and I should like to wait for it as well as for Christ's *Conte courante*, which is to be settled immediately. Perhaps too for Vincke's arrival, which Christ is expecting daily.

Here evidently reference is made to an interview believed to have taken place at Paris between Napoleon (the good man) and Prince Wilhelm. But what is meant by Christ's *Conte courante?* The most curious passage is the following, written on September 29th:

Quednow's guest leaves to-day, and therefore there will be no difficulty in my beginning my homeward journey on Thursday or Friday. I have not yet talked to any of those who have been with the man most, and shall not be able to do so till to-morrow. Christ and Quednow had yesterday a long conversation with him about business, from which Christ is said to have come away highly satisfied. It is inferred from this that the man has promised at the Erfurt fair to take charge of our affairs too. I should be sorry if I had to bring you such news, as indeed I am sorry altogether that any serious dealings with the man should have been entered on. Undeniably the true finesse would have consisted in shuffling the cards so that nothing at all should be done for us there through him, but that he should have entangled himself still further with the good man, for the more and the better he manages our affairs at Erfurt the less food will come out of it for us. Then if he came back so the thing would have been to see that he was so pleasantly entertained here in the neighbourhood as to be prevented from continuing his journey back. Meanwhile, our friends over sea might have taken his kitchen-garden to themselves. Now I am sorry to say I fear that we shall have but a moderate fair and in the end nothing but miserable weeds.

The reader will see that Quednow's guest is the Czar, who promises to intercede with Napoleon at Erfurt in behalf of Prussia. The patriots naturally feared that any success his intercession might have would make what they held the only true remedy, that is an insurrection, more difficult. He fears that we shall get but moderate terms from Napoleon, and in the end nothing but miserable weeds, that is, we shall fall back into the hands of the French

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party. Schleiermacher's sketch of what he would like to see is obscure enough. But the "friends over sea" must be the English, and he seems to think of attacking Russia as an enemy rather than trying to draw her into the European rising.

These letters, besides being curious, give us a glimpse of the real Tugendbund with which the Government was in correspondence. There was a widely spread patriotic party which was prepared to help the Government in their plan of insurrection. In many places this party formed committees consisting, as Schleiermacher tells us, principally of military men who looked forward to playing an active part in the outbreak, and to such committees the Government occasionally made communications. But as the committees were mainly military, so they seem to have communicated chiefly with the military members of the Government. It seems to have been in general not so much Stein as Scharnhorst and Gneisenau that pulled the wires of this agitation; in the insurrection which broke out in Westphalia soon after Stein's fall, and was headed by Dörnberg, we shall soon have an opportunity of observing the effect of this agitation.

At this point we are struck with the curious results sometimes produced in those times by the slowness with which information travelled. We have been lingering upon the visit of the Czar, which took place between September 18th and 21st; at this time we see that Stein, though full of anxiety for Prussia, has no particular apprehension about himself. And yet a week before, on September 13th, Niebuhr wrote from Amsterdam to Madame Hensler as follows:

Perhaps along with this letter, perhaps even earlier, you will see or have seen in the newspapers an article which in a manner proscribes my friend Stein. Early this morning I read it for the first time, and you can fancy with what feelings. This is why I write to you to-day, for it will cause you not merely grief for us but anxiety. About that you may be easy. My relations to Stein are not such as could in the remotest manner endanger me. But what the consequences may be for Stein I wait with trembling to learn. With his

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way of thinking—a thousand and often the most opposite ideas thronging close upon each other—this expression meant anything rather than a formed plan; it was the effect of a bitter mood, which, if the courier had not gone off at once, so that the letter was obliged to be written, would have given place to quite a different view before night. It is however very strange that both his sister, Countess Werthern, and myself begged him almost on our knees to have no connexion of whatever kind with certain persons, whom he took for worthy people calumniated. That noble Werthern, who sees deep into the hearts of men, said to me she often felt when she saw certain persons as if the devil was standing before her. Stein reproved her for it, and once took it ill of me when from different sides we warned and conjured him not to associate with these people. I fancy I remember distinctly that the Countess told me expressly she had a presentiment that these people would bring her brother into trouble. Do not we see here unmistakably destiny and fatality? Stein always goes headlong from the most sanguine expectation to despair, and in his opinion of men often outstrips all observation. But in his own honesty much more disposed to judge favourably than to condemn, he keeps many a rogue obstinately in his good books, while an honourable man sometimes has trouble to get into them, if he does not recommend himself by anything brilliant! "Have you proofs against him?" he would ask me, when I told him So-and-so would act ill in the case before us: the result gave the proof—too late.

But I take it, the crisis is close at hand now to the approach of which our eyes have long been opened. A Convention was negotiating, but not yet concluded. Will the thread snap now? Assuredly it will. And then we shall come to you, and certainly not sadder than now and for a long time past. People may say what they like about the practical use of history: certainly one is saved by a living knowledge of it from being charmed by many will-of-the-wisps. The poor Koppe, who is in trouble, is a harmless man. He has a wife and children.

This letter suggests many reflexions. The last sad paragraph seems to hint that Niebuhr considers the annexation of Prussia to be close at hand. But what is this which has happened to Stein?

CHAPTER IV.

MILITARY REFORM.

ALL the reforms of Stein, comprehensive as they were, are eclipsed in comprehensiveness, as well as fame, by that military reform which was sketched and commenced, as it

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were, under his auspices, but yet not by him. The series of measures commenced by Scharnhorst has determined the result of the greatest struggles of the 19th century, and has given to Prussia a new period of military ascendancy, grander and not less interesting than the brilliant period of Frederick the Great. The three principal wars of Prussia since her great disaster, those of 1813, 1866, and 1870, have a character of greatness such as no other modern wars have; the objects of them, and the spirit in which they were waged, were as high as the intelligence with which they were guided. They have in a manner reconciled the modern world to war, for they have exhibited it as a civilising agent and a kind of teacher of morals.

When we see a national army not composed of persons tempted into it by pay and by a dislike to industry, much less of the scum of society, dupes of the recruiting sergeant or victims of the press-gang, but composed of the whole youth of a nation without distinction of rank, who after giving the first years of their manhood to their country and receiving in return from that stern mother a Spartan training in hardihood and obedience, are restored in no long time to civil life, we have before us war in its fairest aspect. It is only when we think how this system might be applied to other countries, for instance, to England, that we see how very peculiar were the circumstances which made this noble style of war possible to Prussia. Nothing is more attractive than the thought of a universal service—of every youth, without exception, paying his debt to the country. But suppose, as in the United States, that the country does not need defence, or, as in England, that the danger of invasion is speculative and remote, so that though the country needs a protecting force, it could make no use whatever of such a vast army as universal service would call into existence. Suppose again—this also is the case of England—that the country, though it needs a large army, does not need it for defence but for other purposes, such as maintaining possession of distant dependencies. It cannot so easily be

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argued that it is proper that every youth should give some years of his life to tasks like these, as that every youth should take a personal part in the work of national defence. And thus countries which have few wars of self-defence and many wars of empire cannot adopt this system, but are driven to form one of those purely professional armies in which war assumes a less interesting aspect.

These, then, are the two military systems which suit nations, according as they are or are not in danger of invasion. Now what we are about to examine is the establishment by Scharnhorst of the system of universal service and the abolition of the old system of Frederick the Great. What then was this old system? Was it simply the English system of a professional army founded on voluntary service, and was the principle of compulsory service introduced by Scharnhorst for the first time? This is what most Englishmen seem to think, and I have found it taken for granted even by writers on military subjects: and yet there can scarcely be a greater mistake. The principle of compulsory service was not new in Prussia; on the contrary, it was the old principle of the State on which its greatness was founded. These are the words with which Scharnhorst himself commences one of the Memoirs in which his plan of reform was first described:

> Without the simple rule of the Prussian military system that every inhabitant of the State is a born defender of it, the State could never have grown to greatness in so short a time. It was by the imitation of this system that the Austrian army after the Seven Years War and the French after the first campaigns of the Revolutionary War became what the Prussian army had been before, a real standing army, that is an army which can not only be brought to a number corresponding to the population of the country but also be maintained at that number.

What then was the change now made, and why is so much said about compulsion in the modern Prussian army and about a professional military caste in the old Prussian army, if both alike were raised by conscription?

We have spoken of the compulsory national system as being nobler and more beneficial in its working, where it is

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admissible, than the voluntary system. But it is to be observed that there is a compulsory system very different from that of modern Prussia and plainly less defensible than the voluntary system. Compulsion works well in modern Prussia because it strikes all alike and because the object of imposing it is to preserve what all value inexpressibly. But where it does not strike all alike, where exemptions are allowed, the system is not merely damaged but converted at once into a bad system, chargeable with an injustice from which the voluntary system is free. That war should be a man's chosen profession and means of livelihood, so as to give him a positive interest in war, is perhaps not altogether satisfactory, but no one is injured by such a system; and so long as the soldier enters no service but that of his own country, he devotes himself to a noble object. Conscription with exemptions, on the other hand, is glaringly unjust and oppressive; not only are the exemptions themselves unjust, but so long as they exist it is impossible to put upon any high ground the constraint laid upon the rest. It is a mockery to speak of the duty of defending one's country where this duty is not made universal, but those may pay in money who do not care to pay in blood; under such a system compulsion is a shocking tyranny, similar to the levying of the *taille* upon the common people in old France, and such as could only be enforced in a population accustomed to despotism. Moreover, if we suppose the exemptions to be very numerous, so as to comprehend whole classes, and at the same time the population of the country to be not large and its danger from foreign enemies very great, we shall have a case in which it will be necessary to make up for the exemptions by requiring those who serve to serve for a very long time. By serving many years such soldiers will acquire the character of a professional caste and become distinguished from the rest of the community, even though they did not originally enter the army by choice. The army of old Prussia was of this kind. The greater part of it was raised by conscription; but from this conscription large

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classes of persons, as well as whole towns and districts, had exemption. In the main the citizen class were exempt, while the peasantry were subject to compulsory service; and in order to maintain so large an army it was necessary to make twenty years the term of service.

Such a system had its advantages, but they were of a totally different kind from those of the modern system. Compulsion is common to both; but this very principle, which now has such a good moral effect, caused demoralization. The excuse for it lay in the security it gave that the army should always be large enough. To pay the market price for such an army Prussia could not afford. The Government therefore had no choice but between universal or partial conscription. As we have seen, this is in fact a choice between good and evil. Nevertheless if the old rulers, such as Frederick the Great, ever dreamed of a universal conscription, they probably dismissed it as hopelessly impracticable; nor did Frederick, even in the extremity of the Seven Years War, think of a *levée en masse*. For there was then no patriotism in Prussia, no sense of the value of independence, and a system of universal service is not possible except where national spirit is exceptionally strong. They adopted therefore the system of partial conscription, and may perhaps be justified by necessity. But it was evidently weakest precisely where the other system is strongest, that is, on the moral side. What could be worse tyranny than to seize upon the peasant and subject him for twenty years to a brutal discipline and to the risks of war in order that he might defend a country to which he owed scarcely anything, while those who owed comfort and happiness to the State were not called on to risk anything for it? Such a system, it is evident, rested on ignorance and terror. A peasantry that had even begun to think for themselves, or that had once imagined they had rights, would rebel against it, and it is scarcely possible to compose a valiant army out of soldiers individually without spirit. Nothing but the mechanical habit of discipline stood be-

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tween it and utter dissolution. When we account for the *débâcle* after Jena by the purely professional character of the army and its want of patriotism, we do not hit the precise point. An army based on voluntary contract would be called purely professional, and yet we could not understand such an army, if composed of brave soldiers, dissolving so helplessly. The truth is that the Prussian army was based on a principle worse and weaker than voluntary contract, by much more than voluntary contract is inferior to compulsion reinforced by moral and patriotic feeling, viz., on unjust compulsion, or compulsion repugnant to moral feeling. All that I wish to say is summed up by Gneisenau in some Notes for an Essay on the required reform, in the following pregnant headings. "The army more an imaginary than a real force—death of public spirit in the trifling of the parade ground—constraint put on the body—stick—wretched pay—hence conscription—peasant, by the cradle of his son, thinks over his future; the series of dangers awaiting him, misery, hospital, miserable wages." The sting of all this lies in the unjust compulsion. Soldiers will, no doubt, always complain of wretched pay; but he must be a bad soldier who, after *voluntarily* accepting such pay, refuses to perform the conditions on which it was given. On the other hand, what moral obligation can be conceived weaker than that of the peasant forced by brutal punishments, and for insufficient pay, to defend the country which starves him?

It may be said that these considerations prove too much, for if they explain how the army dissolved after Jena they make it at the same time impossible to understand how it can have fought so well under Frederick. But discipline, backed by wonderful diligence and self-devotion on the part of the King and also by much chivalrous loyalty on the part of the aristocracy of officers, may for a time, particularly while the army is victorious, lay the minds of the soldiers under a spell. It is when an ordinary king leads them and is surrounded by old and feeble officers, and when ill-fortune arrives, that the moral hollowness of the

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system shows itself. Even then they do not fight ill, only defeat operates like the snapping of a spell; once driven apart, they are not urged together again by any cohesive force.

If then the fault of the army lay in its being founded not upon mercenary contract but upon an unjust kind of conscription, to make the conscription just, that is universal, was not the only way of correcting it. There was another way, viz., to abolish the conscription altogether, and with it all the grievances of which the soldier complained. It is far from being necessary to the healthy condition of an army that it should be inspired by those high feelings of patriotism to which the modern system appeals. An army well and justly treated, though only on ordinary principles of contract, may be expected to fight efficiently; we cannot suppose that the English soldiers who fought at Salamanca and Vittoria regarded themselves as fighting *pro aris et focis*, or as paying a debt to the country that had reared them; they were simply fulfilling the conditions of a contract that was voluntary and not forced. There would perhaps have been a certain consistency in the conduct of the Stein Administration if it had abolished the conscription instead of making it universal; for free trade was one of their maxims, and the conscription in its old form was part of that caste system which they were engaged in rooting out. The peasants' obligation to military service and the citizens' exemption were defended on the ground of *status*, that is on the same ground as the prohibition which lay upon each to enter into the order or acquire the land of the other. It would therefore have been possible to revive the army by the same process by which it had been undertaken to reanimate industry; in fact, the Military Reform might have been put into the Emancipating Edict. If an article had been added to the Edict of October, declaring that no one should be required except in extreme emergencies to serve the State as a soldier against his will, and that the soldiers' pay should be determined like the wages of in-

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dustry by the haggling of the market, a system would have been introduced which would to be sure have had nothing grand or elevating about it, but which would have been free from the faults which had led to the collapse of the old system.

But to Stein and Scharnhorst it probably seemed entirely impossible to raise by taxation money enough to attract as many volunteers as might be wanted; a voluntary army probably seemed to them much dearer than one levied by conscription. This of course is not really true, except upon the old theory which identifies money with wealth; it must be a very large tax indeed which would be to the citizen a burden equivalent to the exaction by the State of two or three years of his life. But a claim which is new and has never been made before often excites more discontent than the extension of an old claim. The principle that every citizen is under a natural obligation to defend the country had long been acknowledged in Prussia; the existing system was based on it; by it all the military glories of Frederick had been won; other States had borrowed it. Moreover the principle was right and noble. Accordingly it was far more natural to point out the consequences to which this universally acknowledged principle led and the scandalous injustice of applying it only to the peasantry, than to abandon it for another and less elevated principle which could not be applied without an enormous increase of taxation.

But when we call the principle right let it be clearly understood what the principle is. It is the principle of imposing upon all citizens alike the service of defending the country, not military service in general. Such a principle might have been adopted in England, or in old France, or old Spain, without leading to any important practical consequences. England could not have won Blenheim or Salamanca, or conquered India and Canada, in the strength of such a principle; it could not even have been reasonably applied in the case of the rebellion of our American colonies;

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it would not have served the purposes of Philip II. or Louis XIV. or Napoleon. It can only be made the foundation of a grand military system in a country which wages no wars but such as are either defensive or can be made to seem defensive. Prussia has never engaged in any distant war; she has never transported troops by sea. Of the three grand wars in which she has tested her system of universal service two were plainly defensive, and that of 1866 had a motive so great and powerful that it did not seem unreasonable to call on the whole nation to take part in it. This was much less true under the old system. Frederick the Great's first war and Frederick William II.'s interferences in Holland and France were unnecessary and aggressive; but, as we have seen, even in that age the military system of Prussia was defensive in its first conception, and was so handled by its author, Frederick William I., and again with perverse exaggeration by Frederick William III. Accordingly it was possible, even in that age, and when the thought of universal military service still seemed utopian, to lay down and even carry into practice, though with unjust partiality, the principle that was the foundation of it.

These then were the circumstances which suggested to Stein and Scharnhorst the design of a national army. Just at that time and in that country the opportunity presented itself of realising what elsewhere would have been a mere pedantic chimera, viz. the revival of the citizen armies of antiquity. There, as nowhere else, the most serious hindrance was removed, for there the popular mind had become gradually familiar with the thought, and, what was harder still, was now prepared by adversity to endure the realisation of it. But another hindrance, little less serious, remained in the difficulty of devising the machinery such a scheme required; and the merit of Scharnhorst lay, I suppose, in showing the way to overcome this difficulty. He had that mastery of means and detail which is seldom found in conjunction with large conceptions, but which, when it is so found, adapts those conceptions to enter into the com-

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position of a great State and be incorporated with the history of the world, instead of dying a melodious death in some poet's stanza or rhetorician's period. For there are few notions that have been so much ridiculed by military specialists of the very day to which Scharnhorst belonged as this notion of a citizen army. Let us consider then more closely what is involved in the notion of a citizen army in the circumstances of a great modern State, and what means Scharnhorst found to satisfy the conditions of the case.

By a citizen army is commonly understood what we call a militia, *i. e.* a population who are compelled by the State to devote part of the leisure their occupations leave them to military exercises, so as to be able when their country calls to take the field as soldiers. We know of course that nations in a primitive stage of society, when perhaps war is the main business and pleasure of life and at the same time is carried on in a very rude way, find this method sufficient, and even make great conquests by means of it, especially when their enemies use the same method. But when once war has become a profession and has a science and an art of its own, it is just as well known how completely inferior to professional soldiers such citizen armies show themselves to be. It is well known how empty is the common-place of rhetoric which represents their untutored patriotism as more than a match for trained skill. A specialist like Scharnhorst was in no danger of deluding himself with the notion that a citizen army in this sense of the word was more likely to hold its own in the field against Napoleon than the trained armies which had broken down in the campaign of 1806. He would know that a citizen army would be worthless if it were not an army in the full sense of the word, that is, composed of real professional soldiers, and not merely of young peasants or young students carrying guns.

Was it then possible actually to form the whole manhood of a nation into professional soldiers? In other words, was it possible to give to every individual, not merely some little practice in handling arms, but a complete military

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training; to impart to the whole nation both drill, or a perfect mastery of certain mechanical motions, and the higher gift of discipline, which is a soldierly mode of thinking, feeling and acting, the gradual result of belonging to a profession and making part of a great corporate whole which is penetrated with a special purpose and character. This was the problem, and it was one which had never perhaps in any country been seriously considered before. It would soon become plain that such a professional stamp can never be given to men by any teaching bestowed only occasionally and in leisure hours. In order to form the habits of soldiers men must actually be soldiers, that is, they must cease to be civilians and, for some considerable time at least, look upon war as their vocation.

A citizen-soldier, in the old sense of the word, was no great burden on the Government. Being called out only for a few days in the year, he supported himself for the most part; without any overwhelming expenditure the State could furnish pay for him for the short time he was embodied. But a professional soldier receives pay from the State regularly, for he abandons all other pursuits for that of the soldier. The citizen-army contemplated by Scharnhorst would therefore not resemble a militia, but a standing army, in the demand it would make upon the yearly budget of the State. Nevertheless there would be a great difference in this respect between such an army and an army, like that of England, levied by voluntary contract. Both would require alike the annual disbursement of vast sums, but the citizen-army much less than the other. For the rate of pay is determined in the two cases by considerations altogether different. In the citizen-army the pay of the soldiers is merely their support, and may be lowered according to the exigency of the State down to the lowest sum which will sustain life, whereas the pay of voluntary soldiers is the temptation which induces them to volunteer, and cannot therefore be reduced below the sum which will induce a sufficient number of men to prefer the army to other professions.

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When English military critics compare the English Army Estimates with those of Prussia, and exclaim, See how much more our army costs! they are comparing two things which have no relation to each other. In England the Army Estimates do actually give the cost of the Army, that is, the price for which its services are secured, but the Prussian estimates give only the cost of its maintenance. As to the price which Prussia pays for it, that is not given, and to discover it you would need to express in money all the sacrifice, the hardship, the surrender of other plans, the loss to industry and production, caused by compulsory service. There is surely little doubt that if this could be done, the sum would far exceed, even proportionally, that which England pays.

The requisites of the system, as Scharnhorst saw them, appear then to be these. First, the whole nation must be called out; for partial conscription has already ruined us. Secondly, it must be called out, not for occasional, but for professional service; it must be required to give not a small part of its time, but the whole of its time, to military service; for a mere militia would be far worse even than our old army. The whole nation formed into professional soldiers will have all merits at once, the greatest possible numbers, the highest possible skill, the healthiest possible morale. It will require from the Government large expenditure, but not so large as would be required by a voluntary army; upon the nation it will indeed impose an immense burden, but still a burden which it may be expected to support, because the necessity is plain to all.

But yet—a whole nation turned into professional soldiers! Is then all industry to be suspended? Is not even the ground to be tilled? If so, how shall the army itself be supported? If not, and the soldiers actually return to civil life, what becomes of the distinction drawn between such an army and a militia? The answer suggests itself as soon as the difficulty is clearly stated.

The training necessary to form a professional soldier

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requires, no doubt, exclusive devotion to the pursuit and abandonment of every other pursuit for a given time. But this time need not itself be very long, that is, no very large portion of a lifetime; the essential thing is that it shall be a continuous portion; that it shall be given to the State in a single handsome donation and not made up gradually by small annual subscriptions. Not even quite so much as this is essential, for when sufficient continuous time has been given to turn the man into a professional, the training once received may be retained for many years by a short annual rehearsal. The short term of embodiment, which taken by itself will not in any number of years make anything better than a militia, suffices when it follows some years of continuous military service to retain in thorough efficiency a professional army once made. It is also to be remarked, that great as is the superiority of the trained soldier to the amateur, it is a superiority which does not for any long time go on increasing with practice. When youth is past, the soldier, if he has been allowed to marry and become the father of a family, finds his profession difficult and painful to him. This had been especially experienced in Prussia, where the smallness of the population had made it necessary to encourage marriage in the army, and many soldiers accordingly took the field paralysed by the knowledge that their death would bring beggary upon their families. Such soldiers, under the military system of antiquity, would have taken their place in the "Centuriæ seniorum," and have been let off with home and garrison duty. It appears then that the principle of universal service does not require that the whole nation shall live in barracks, neglecting industry and overwhelming the finances of the State. Natural and just exemptions take the place of partial and unjust ones. Every person serves, but not every age. Every man is a soldier, but not always with the colours. We can excuse old men altogether and middle-aged men except in extreme emergencies; even men in the latter half of youth need not be called on for very dangerous service. Our regular army

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will consist entirely of men under thirty, and here again we may distinguish those whose whole time must be given to military service in order that they may acquire drill and discipline, and those who having acquired these need only to serve for a short time every year in order not to lose them again. In other words, we may distinguish between the old, the Landsturm, the Landwehr, the Reserve, and the Standing Army.

But enough of general reflexions which open vistas of more than was destined to be accomplished for Prussia in that generation. It is time to return to history and trace the gradual course of military reform, as we followed that of political and social.

In the suggestions of Altenstein and Hardenberg, written down at Riga, is to be found the beginning of this movement, as of the others. The following remarks of Hardenberg put before us as clearly as possible the decline of the old system:

Prussia professed to be a military State, indeed the existence of the army seemed, as Altenstein justly says, the object of the State. How many other important interests were always forced to give way to this! It fettered industry and natural freedom, and we justified it by arguing that Prussia was a military State. But though the name remained we were far enough from the thing. Even more in this than in other things, at least with even more self-complacency and prejudice for use and wont, we had stood still while others advanced, especially France. With all our indolence and love for the repose of peace, we were proud of our ancestors' heroic deeds, though we did not care to follow their example, or to inquire whether the same means would still serve which had come into favour through the Seven Years War, so gloriously fought through Frederick's fortune and genius. The demoralisation of the army was visible even in the Polish campaign and that on the Rhine. Gallantry and the sense of honour still prevailed, but generals and officers, one and all, played the politician. Intrigues to force a peace took the place at head-quarters of sound and energetic plans of operation. The feeling which an army must have if it is to win victory, love of war and of warlike fame, was not prevalent. Love of ease and domesticity, which, proper as it is, should be subordinate in the soldier to a higher duty and passion for honour, gained ground more and more in the long peace under a pacific government, which shunned war when the time for it had arrived, particularly with the older and with the numerous married officers. Want of the needful strictness in discipline, want of stimulus and encouragement of ability and of really useful

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military activity, had a bad effect. Several of our learned officers (Scharnhorst himself?) did great harm by the distrust they showed of our military power and by injudicious justification and diffusion of it, when they ought rather to have striven to remove or better what interfered with it. That economy in military matters which, whatever may be said in justification of it, is the canker of all good, the faulty arrangement which makes the captain more interested in peace than in war, could not but be increasingly mischievous as prices rose, and produce stinginess and the most harmful parsimony. . . . . Parsimony was the great merit, the perpetual endeavour. Every department of the war-office was occupied with this and with accounts, the outward appearance of the army had considerably gained, but there were great deficiencies in many of the substantial requisites of war. For instance, the fortresses were not on a war footing, and no measures had been taken for provisioning them when it should be necessary. With all our long anticipation of war with France, even Magdeburg and Spandau were not in a state of defence. Single examples of valour and patriotism have proved that these virtues are not extinct in the Prussian army; nevertheless, disaster and inexcusable misconduct and cowardice have deprived the military profession of the public respect and confidence, and to restore this to it is the first and most urgent necessity.

After this preamble Hardenberg lays down the principles of a new military system, drawing, as everywhere, upon the suggestions which had been made by Altenstein. Altenstein had laid it down that the new army must be organised for purely defensive purposes and be such that it could not be thought of as intended to interfere in foreign quarrels. Hardenberg thinks this not possible, and indeed the past history of Prussia showed the impossibility of it; for had not the army of Frederick William I. been originally intended for defence? Still in the actual financial condition of the State the army would of necessity be reduced much below its old standard. The outline of the scheme to which we were led above by general reflexions floats, though indistinctly, in Hardenberg's mind. He requires a regular army of 45,000 infantry and 25,000 cavalry: then a Reserve of at least 80,000 infantry. But he feels also the necessity of calling out the whole force of the nation, and for this purpose of appealing to the patriotism of the people. He proposes that the towns and the country districts, and in the latter especially the landowners and the officials, should be invited to organise volunteer corps to be employed only

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within the country. These volunteers are to be treated with much respect, and much freedom of initiative is to be allowed to them; they may be expected to reach the amount of 100,000 men. Thus, for the defence of the country, something like 250,000 men would be available; a total equal to that of the regular army of Frederick the Great in his later years.

Then are laid down some great principles to be observed in the levying of such an army:

All the exemptions hitherto allowed must be abolished without exception. Everyone who does not serve the State in some other appointment must be bound to effective military service in the regular army and in the reserve. But the military class must be made a true order of honour. Foreigners are only to be admitted when they are of good character and offer themselves voluntarily, and they are then to be treated as if they were natives. But as a rule we must not count upon foreigners. Every degrading punishment must cease. The private soldier must be treated with strictness yet with respect. The term of service must be made short, in order that the pressure be not overwhelming; it must be six years.

In these sentences the new system is clearly described. The abolition of exemptions was all that was necessary to make the army national, since the old army was, as has been explained, not founded on voluntary contract but on partial conscription. And the other principle, which is the correlative of universal service, namely, short service, is stated with equal clearness. Moreover, as the immorality and inhumanity of the old system had arisen entirely from the partial incidence of the Conscription, it is possible, as soon as this partiality is removed, to dispense with brutal severities, because it is for the first time possible to appeal to the sense of duty and honour.

We have here in one view the whole military reform. The impression it made, when it had been carried into effect, upon a bystander, may be seen in the following remarks of Henriette Herz:

The time was past when every simple peasant and every honest citizen of the towns subject to the conscription might fear to have to receive into his

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house after the expiration of the term of service, instead of a well-conducted son, an inmate corrupted in the depths of his nature by the society of those foreigners, for the most part *mauvais sujets*, from whom the Prussian army was partly recruited, and completely degraded by the lash; the time was when I and many ladies of my acquaintance would not walk the streets, if we could help it, during certain hours at review time, for fear of being sickened by the repulsive sight of punishment, inflicted often on men of advanced years, who, perhaps, for some neglect of their pigtail which only a professional eye could detect, would be flogged at the order of a lieutenant of fifteen or sixteen, when the least involuntary cry of pain was counted for a new offence to be punished by flogging: the time, I say, was past when—it was just before 1806—the family of a rich Berlin merchant, whose wife had been surprised in her summer residence at Charlottenburg by the birth of a son, who was accordingly subject to the conscription (Berlin was not), was almost condoled with on the birth of the new comer thus devoted to a melancholy lot. But now the nation began to regard the army as a school, not only for the anticipated war, but also for life.

I have put together for the sake of a clear impression the first suggestion of the military reform and the final result of it; but between the conception and the execution there was a greater distance in this case than in that of the civil reforms. In respect of those we have already been led to perceive that it was one thing to suggest them and say what they ought to be, and quite another to accomplish them. Still more is this true of the vast scheme of a universal conscription which was to turn into soldiers the most peaceful, the most dreamy middle class which was to be found in any nation, and was to do this under the eye of Napoleon and at the very time when the Spanish rising had shaken for a moment the foundation of his greatness. To see how these difficulties were dealt with, we must inquire into the history of the Military Commission. We have recorded the creation of this Commision and the appointment of Scharnhorst to be its President. He began his work about the same time as Stein; with what feelings, we can gather from a letter which he wrote to Clausewitz on November 27th, 1807.

Nothing would make me happier than to find myself in your society, and yet we should be sorrowful enough; for we are unfortunate, beyond expression

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unfortunate! Were it possible after a series of disasters, of sufferings without end, to raise ourselves again out of the ruins, who would not willingly stake everything to plant the seed of a new fruit, and who would not gladly die if he could hope that it would spring up vigorous and healthy? And yet, my dear Clausewitz, this is only possible in one way. We must inspire the nation with the feeling of self-dependence, give it the opportunity of acquiring self-knowledge and self-control; only so will it learn to respect itself and force respect from others. To work towards this is all that we can do. To break the chains of prejudice, hasten and tend the new birth and not hamper the freedom of its growth,—our function extends no further.

That is my view of the matter and of our position. I consider myself very little. I have the best will to do what I can, but I am not formed for winning attachment and confidence by personal action. Without my previous knowledge the King promoted me and entrusted the task of reorganisation to me in conjunction with a very mixed Commission. I have not tried to make myself friends, and considering the difference of views and the absence of personal regards, I may expect attempts to alienate the King from me, although he is very gracious and has hitherto treated me with undeserved confidence. At this very moment a quiet and honourable appointment is open to me elsewhere. But feelings of love and gratitude to the King, an indescribable attachment to the destiny of the State and nation, and a repugnance to perpetual change, have hitherto kept me from accepting it, and will do so as long as I can hope to be at all useful here.

Doubtful as our prospects are, yet we have laboured for the internal regeneration of the military system, alike in respect of formation, promotion, practice, and especially spirit; the King has put all prejudice aside, and not only showed himself willing but himself supplied very many ideas appropriate to the new spirit and arrangements. If he adopts the new sketch, which he has already sanctioned in part, if prejudice does not hinder it from being realised, and if the main object is not missed through alterations or bad instruments, the new army, even if small and unimportant, will handle its profession in another spirit and form a closer and more hearty alliance with the citizens of the State.

The reticent Scharnhorst seldom unbosoms himself in this way, and it is particularly important to notice that his views at the outset are not those of a mere specialist aiming at the improvement of the military machinery, but rather those of a statesman who feels the importance of rousing the national spirit and establishing a wholesome relation between the army and the nation. He had this great advantage in his work over Stein that there had never been any difference between him and the King, that his manners were more conciliating, and also that the King, as became a

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Hohenzollern, was a real judge of questions of military organisation. The first task which engaged the Commission was the consideration of nineteen suggestions laid before it by the King himself. These suggestions show that Frederick William was a convinced reformer in military matters, and that he by no means shared the opinion of Yorck, who could not perceive in the disasters of the last war anything but a freak of fortune or any proof that alterations were needed in the system. Suggestions 3 and 4 run as follows: Would it be expedient in the reorganisation of the army to restore to their original rank and dignity this multitude of invalid generals, of staff and other officers, who are invalid either physically or morally or both together? And if not, since an alteration here is assuredly necessary, what will be the proper rule of promotion in the army for the future, which may keep us from falling into the old mistake again? Suggestion 5 runs, Ought not an alteration to be made in respect of the admission of the non-noble class, and will not more of such need to be admitted? In Suggestion 7 it is laid down that "the system of recruiting both for natives and foreigners will need to be completely altered," and that "in the new arrangement the number of exempted persons must be reduced." He also notes the close connexion between the principle of exemptions and the brutality of punishments, remarking (Suggestion 12), As soon as the exemptions are reduced in number, an alteration must take place in the military punishments; they must be made not less rigorous, but less degrading, and for this purpose there must be a revision of the Articles of War.

Another member of the royal house, Prince August, then a prisoner in France, contributed at the same time a Memoir on Military Reform, in which the hand of Clausewitz, the distinguished pupil of Scharnhorst, who shared the Prince's captivity, is probably to be discerned. The leading idea of the reform could hardly be expressed more vigorously than in the following paragraphs:

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It is every citizen's duty to defend the State. This principle, admitted as it is theoretically, is subject in most states to large exceptions, owing to the privileges of certain classes and occupations. In modern times it has only been accepted in France and Italy since the Revolution swept those privileges away. It is not to be denied that the State acquires a great military power when this principle is raised to a law, and every soldier made eligible to the higher ranks. The chief advantages which result from it are (1) that the number of the troops can be increased as far as circumstances allow. It is manifest that in a state where every one is subject to the conscription, more soldiers can be had than in one where many are exempt: (2) that the soldiers no longer consist of the poorest and most despised classes of the citizens, which on the whole have the least interest in the preservation of the State. The richer and more cultivated classes, which have on the whole the greatest interest in the preservation of the State, are for the most part exempt in all countries from the obligation of service without being obliged to render an equivalent: (3) the soldier feels a stronger impulse to distinguish himself when he has the hope of rising to the highest positions, and so obtains a respectable income. For it cannot need any proof that that impulse must be greater on the whole in the state where every one may hope to become a Field Marshal, than in another where most of the soldiers cannot rise above a sergeant-major: and lastly, (4) the soldiers may, if the war has not entirely exhausted the land, consist solely of young active people, who, on the average, are braver and support better the unceasing hardships of the present mode of carrying on war. Experience fully establishes the decline of valour with advancing years, and the greater endurance of the powers at the age when they are commonly greatest . . . . . .

The advantages of the conscription are for the most part only realised when the soldier may hope to rise to the higher posts. Indeed, it is very doubtful whether it would be possible without this to introduce the conscription, since the disaffection it would cause would balance the advantages it would bring. For how could we expect the richer and more cultivated classes to submit to it if they had not the hope of rising to the higher posts? . . . But, it will be objected, is not this to deprive the noblesse of one of its privileges, and the Prussian army of its best feature, which is the good quality of its officers? Where in that case could a noblesse so poor support itself? As to the justice of such a measure it depends on the question, whether the State is forbidden to take away the privileges it has granted to a class even when it would derive substantial advantages from doing so and perhaps its preservation depends on it. That the quality of the Prussian officers would suffer by the change is not only doubtful, but may be asserted to be the contrary of the truth . . . . The very competition which would spring up between the noble and the citizen class might be used to maintain the ambition of the officers. And that citizens as well as nobles may be actuated by principles of honour is strikingly shown by the example of the present French officers.

The Kings suggestions were promptly taken into con-

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sideration by the Commission. Its answer to his important 5th Suggestion is particularly worth reading:

> Nothing but attainments and education in peace, distinguished gallantry, activity and comprehension in war, can establish a claim to the post of officer. Accordingly, all individuals in the whole nation who possess these qualities may claim the highest posts of military rank. Hitherto, through the restriction of these honours to a single class, all the talents and acquirements of the rest of the nation were lost to the army, and this class found itself relieved of the necessity of acquiring military talents, being raised to the highest military posts by birth and long life. This is the explanation of the great inferiority in culture of the officers to all other classes. And this is why the army was regarded as a state in the State, hated and in some degree despised by the other classes, whereas it ought to be the union of all the moral and physical energies of the nation. The comparison of Prussia with the neighbouring states which are forming themselves, which in part consist of former citizens of the Prussian State, and which have escaped these errors, would make our former condition still more burdensome, so that a change is necessary for this reason if for no other.
>
> In earlier times the exclusive right of the nobility to the post of officer did not exist in the Prussian State; under the Elector Frederick William half the officers came from the non-noble class, so too under King Frederick I. Further promotion being by seniority, all competition was prevented; nothing was to be gained by exertion; a good *physique* secured all the objects of ambition. The State had no means of keeping the army in a good condition but punishments and arbitrary rewards. The former are easily evaded, the latter difficult to apply, and seldom reconcileable with the means at the disposal of the State.

Such a description as this may well suggest the exclamation which breaks from Ranke: "It seems astonishing that the army formed on the arrangements of the great Frederick should leave so much to be desired." That the whole civil system of Frederick needed to be swept away as the first step towards the regeneration of the country, might be explained by the supposition that he sacrificed civil well-being to the perfection of his military system. But his army was the great abuse of all. And after all that has been said about the intelligence of the modern Prussian officer and of Frederick the Great as a friend of enlightenment, it may particularly surprise the English reader to learn that of all the abuses of Frederick's army the worst was the extreme ignorance of the officers. Yet there is no

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controversy about the fact. A certain army-chaplain, Lafontaine, relates that after a historical lecture which he once delivered to the officers he was taken aside by a valiant captain, who said to him, "You tell us of things that happened thousands of years ago, heaven knows where. Are you sure you are not hoaxing us? How did you find it all out?" And when he had listened to the explanation he said, "Strange! I thought things had always gone on as they do here in Prussia!" We observe too that, like the abuses of the civil administration, the abusive monopoly of the noblesse in the army had increased rather than diminished in the time of Frederick the Great.

The earliest document in which the ideas which were occupying so many military men took shape is Scharnhorst's "Memoir on the Defence of the Country and on a National Militia," which bears date July 31st, 1807. It points out that the difficulty of maintaining a large army lies not merely in the diminution of territory and population but in the impoverishment of the treasury. "A population of 5,000,000 would suffice for an army of 120,000—150,000 men, $2\frac{1}{2}$—3 out of every 100 serving. But for the present the financial condition of the State will not allow it to raise the army to the point which the population would admit. . . . An army of 65,000—70,000 men would perhaps appropriately combine both advantages, of a becoming parsimony and a moderate defensive force." "But," he adds, "at the same time it is extremely important to make arrangements by which it may be possible promptly to increase the army, and particularly the infantry. This may be done in the easiest manner as follows: (1) Let each company have one officer more than is necessary; (2) In each company let there be dismissed yearly in the first three years 20 men, still fit for service, and afterwards 10 men yearly, and let the men dismissed be replaced by others."

We have here the first suggestion of that plan of passing the whole population through the army, which is often described as a contrivance for frustrating the condition im-

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posed by Napoleon in the treaty of September, 1808, by which the army of Prussia was to be reduced to 42,000 men. It is evident that Napoleon's interference was less important than is supposed, since the poverty of the Government would in any case have prevented it from maintaining a much larger army.

Scharnhorst then goes on to say:

A large number of our military thinkers have always been in favour of a militia. It might serve two purposes: (1) to maintain the peace of the country, to support the police, to protect the land against the attacks of the plunderers, and prevent hostile incursions; (2) to defend the land in conjunction with regular troops. If his Majesty should find such an institution adapted to our future position, the question would rise, whether the brothers and sons, the owners of houses, estates, persons of considerable property, the sons of the king's officials, &c., in short, a part of the exempted young people, which in the exempted towns would be very considerable, could not be organised in such a militia and devoted simply to the former object, in order to be applied to the latter only in case it should afterwards be found convenient. The execution of such a plan would be less difficult now than later, because at present a similar institution exists in the towns beyond the Weichsel.

This militia would (1) relieve the standing army of the ordinary garrison service, and so allow the troops to give more time to field-service and to learning to fire, (2) would maintain order in the great towns if in the case of a distant war any province were denuded of troops, (3) such a militia might, if a favourable opportunity for the defence of the country should arise, be very soon increased without attracting attention, and serve with the standing army.

As the former passage contains the first suggestion of the reserve, so we have here evidently the germ of the Landwehr.

Just a month later (August 31st) Scharnhorst laid before the King a "Provisional Sketch of the Constitution of an Army of Reserve," which in consequence of some objections made by the King was afterwards reconsidered by the Commission, revised and laid before him again with the altered title of "Provisional Sketch of the Constitution of the Provincial Troops." In its second shape it is introduced by an instructive preamble, which commences as follows:

A new institution must be based on principles quite simple and evident to every one if it is to lead to great results,

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Then follows the passage already quoted, in which it is asserted that it had always been a principle of the Prussian military constitution, that every inhabitant of the State is a born defender of it, and that the greatness of Prussia had been a consequence of this principle. The preamble then proceeds:

A closer investigation shows that such a system, though it gives a command of the men capable of service, requires a great expense in disciplining them and holding them ready for war, since a force thus levied by compulsion does not submit to great sacrifices through love for the country and its institutions, but can only be led to do so by discipline and a warlike spirit created by war.

For great, rich, and conquering states accordingly this constitution of the standing army may be the best, but it does not suit the peculiar requirements of the middle states. Where these have a good constitution, a government which knows how to win love and respect, and make its value felt by the people, it has a resource which is wanting to the great states which are not threatened with destruction, namely, the voluntary devotion to the safety of the State, of the property and rights of its inhabitants. No independent nation will submit to the yoke of another without exhausting all its resources, if it is well governed and directed. Accordingly, in middle states sacrifices may be counted on where the war is for existence, which in some respects supply the place not only of discipline but also of that warlike spirit of the standing army which is increased by war. Middle states therefore may call out for their own defence the whole mass of their men capable of service, if they have been previously practised in the use of arms, provided with the necessary means, and the indispensable military discipline.

Accordingly as the armies of the greater states cost more and are therefore proportionally limited in number, and besides cannot in war throw themselves in such great masses on a middle state, owing to the difficulty of maintenance, there arises in the case of a war of conquest, at least in certain circumstances for a short time, a sort of equilibrium between the two kinds of state.

For these reasons the middle states must have a totally different military constitution from the prevailing ones.

We have already remarked how these principles of popular war were, as it were, revealed to Europe by the Spanish rising. But this passage, in which they are stated with incomparable precision and force, was written, as the reader will observe, long before the Spanish rising and long before Fichte's lectures. It is to be observed at the same time that the statement completely avoids the error into

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which so many philosophers and enthusiasts fell, of supposing that patriotism would supply the place of military discipline.

Scharnhorst goes on to distinguish between the functions of the standing army and of that force which it had now been decided to call the Provincial Troops. He then adds:

If the standing army is small and the Provincial Troops proportionally numerous, this will be for a time advantageous to the State, for by being called upon to spend less it will the sooner restore its defective resources and recover the power of self-defence. So we need never fear that the standing army will be too small; on the other hand, we must give the Provincial Troops an organisation which may assimilate them to the standing force in drill, &c., and that this may not attract attention we must make them at first very weak in privates and only begin gradually to strengthen them when the officers, commissioned and non-commissioned, are disciplined.

He then raises a very important question:

The question has arisen whether it is better to put the men intended for the Provincial Troops through the standing army or form them without any such preparation. The Commission has chosen the latter course.

In the present state of affairs everything seems to turn upon the closest possible union between the nation and the government, upon a treaty, so to speak, being concluded between the government and the nation, which may inspire confidence and love for the Constitution and make it deserve to be independent. This spirit cannot exist without some freedom in the creation and preparation of the means for the preservation of independence. He who does not enjoy this feeling cannot value it nor make sacrifices for it.

A national militia may be inspired with such a spirit if it supports, arms, clothes and drills itself; but it will never do so if its independence is paralysed by an imagined constraint.

If we decided to put the men of the militia through the standing army we should not be able—if, for example, the term of service were fixed at six years—to begin to create a militia till six years hence.

In this point we see Scharnhorst's plan deviating from the system which was ultimately adopted, of which it is a capital point that the Landwehr is composed only of those who have served their term first with the army and then with the reserve. But we may observe that his reasons are drawn in part at least from the exceptional circumstances

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of the time. This is visible too in the following considerations which he adds:

A militia which has gone through the standing army will always be regarded by other states (*i. e.* by Napoleon) as a part of the standing army, as an institution calculated for foreign affairs, and not as a National Militia, Landwehr, an internal supplementary police. With the Militia proposed by the Commission it will be possible to introduce a universal conscription without exemption; but this will be very difficult if each individual is to serve in the standing army.

It seems almost incredible that Scharnhorst's plan, so manifestly adopted for the purpose of disguise, of representing his Militia as only a kind of police, has been seized upon as a pretext for denying, in the face of the passages just quoted, that he had any notion of a popular army. The reader will not be surprised to learn that the inventor of this misrepresentation is our friend Schön, and that the object of it is to secure to himself and his East Prussian friends the credit of having originated the modern military system of Prussia.

The Provisional Sketch, which is introduced by this preamble, is contained in a number of Articles, of which the first runs as follows: *All the inhabitants of the State are born defenders of it.* A distinction is then drawn between those citizens who arm, clothe and drill themselves, and those who are armed, clothed and drilled at the expense of the State. The latter, it is said, compose the standing army; the former compose the Provincial Troops, whose function it is to maintain the internal peace of the country, and to defend it against attack, and who only leave their province when this is required for the protection of the Monarchy. These Provincial Troops are to have their own commander and their own independent organisation, which is described in a series of Articles. It will be evident that this scheme is materially different from that which was ultimately adopted, and that the Provincial Troops here contemplated would be more like the English Militia than like the Prussian Landwehr.

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One would be glad to hear more of the relations between Stein and Scharnhorst than our authorities tell us. Neither of the two men was at all in the habit of saying or writing more than was necessary; but if Stein's position required him to form and express an opinion upon a good many persons and things, Scharnhorst's natural reticence was not counteracted even in this way, and almost all that he may have thought beyond the limits of his specialty seems to have perished. Stein too, as it happens, has left no detailed opinion about Scharnhorst. Several slight traces, however, support the tradition that there was a remarkable harmony and sympathy between them. This tradition lives in two slight anecdotes, which perhaps it would be difficult to authenticate. The one is that Scharnhorst said to a certain General Hofmann, "I only know two persons who are entirely without the fear of man, Minister Stein and General Blücher." The other is—it is at any rate well imagined—that he used to try to cure Stein of his irritability, and that Stein answered him, "Do you suppose I do not know myself to be hasty and irritable? But if I could unlearn that I should be an old woman."

Scharnhorst's Provisional Sketch now passes under the inspection of Stein. It was also, perhaps at Stein's request, reported on by Schön. Both seem to have considered that it did not go far enough. Schön feared that the effect of a militia of well-to-do persons by the side of a standing army of poor people would be to lower the latter in estimation; the militia he thought would come to be regarded as the national army and the standing troops as mere mercenaries. He demands that the Provincial Troops shall pass first through the standing army; "thus," he says, "they will have a good school." Stein laid down the following principles:

(1) That all exemptions of particular places or classes should be abolished, and that those which had been conferred on particular trades should be rigorously examined and revised; (2) that all inhabitants of the State between eighteen and twenty-five years should be liable to serve in the standing army

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according to the determination of the lot; (3) and that all not called out, whether as not having drawn the lot or as having passed the age or as exempted on account of their occupation, should be required to enter the Reserve.

It was on January 5th, 1808, that the criticisms of Schön and Stein were handed in.

I have given large extracts from the documents in which these fundamental questions of military reform were discussed, because so great a military reform was ultimately realised, not because the discussion led to any great immediate results. A considerable number of minor reforms were indeed adopted in the course of 1808. The revision of the Articles of War took place, and new arrangements were made about military punishments and also about promotion. But nothing in the nature of a Landwehr was called into existence at this time. The Prussian Landwehr dates not from 1808 but from 1813, and the circumstances which called it into existence will occupy us later. All such schemes were suspended for the present by that treaty of September, 1808, which decided at the same time the fall of Stein. In a secret article of that treaty the King engaged, in order to avoid anything which might give France ground of suspicion, not to maintain for ten years, to be reckoned from January 1st, 1809, more troops than the following;

10 Regiments of Infantry, not to exceed . . .	22,000 men
8 Regiments of Cavalry, not to exceed . . .	8,000 ,,
1 Corps of Artillery, sappers and miners, not to exceed	6,000 ,,
Guard, not to exceed	6,000 ,,
Total	42,000

and at the same time he engaged that within the same ten years no extraordinary levies of Militia or Civic Guard, nor any other muster should take place, which might be intended to increase the force above mentioned.

Under Stein's reformed scheme of Administration Scharnhorst became Minister of War, which office he held till 1810, when he was driven from office by Napoleon as Stein had

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been before. But he had so far succeeded by his peculiar reticence and show of insignificance in deceiving Napoleon, that the King found it possible to arrange with his successor that "Major General v. Scharnhorst should remain, so far as it could be done secretly, in the same relation to the officials of the War Department as hitherto in respect of the Ordinances and initiative of the more important matters of business." He also held after this time the post in which Count Moltke has been so famous, being Chief of the Staff.

As in this chapter I have followed the principle of laying before the reader as many extracts as possible, I shall close it with an account of the reforms introduced into his department, which Scharnhorst himself laid before the King in the year 1809, when the persistent opposition of the military conservatives seemed for a moment to have shaken the King's confidence in him.

Comparison between the former and the present conduct of business in the upper part of the Military Department.

The former administration was divided between the Adjutants, Generals, the War Collegium and the Military Department (the Governors and Inspectors). Hence it wanted unity, comprehensiveness and rapidity, that is, the main features of a good administration. The former Adjutant-General, usually an Infantry Officer, without high military knowledge, laid before the King without preparation or deliberation all questions of Engineering and Artillery, of the higher dispositions concerning war, and all details concerning the Infantry and Cavalry, &c. His Majesty commonly received adequate information on no other subject but the lower departments of the Infantry service. This is now entirely changed. An officer of the General Staff elaborates the affairs which concern the higher parts of war, military science proper, another the personal matters, a third the questions which concern recruiting and formation and other internal details. All these affairs are brought under one point of view before the Chief of the General War Department, and discussed with the superior officers and an officer of Engineers and Artillery before they are laid before His Majesty. This is done every day, to prevent the accumulation of arrears. Economical and financial affairs are entirely separated, and have their own Head of Department, who is present when affairs are laid before His Majesty. By this means rapidity and unity are combined, whereas under the former system it was in most cases necessary to adopt whatever was suggested, and there was formed a mechanical groove for the whole internal administration and service, everything moving according

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to the old routine. The War College too was nothing but a business office, generally filled with invalids or such persons as had lost the ambition to serve any more as effective officers. Its object was the maintenance of the old system, and from it an invalid unmilitary spirit diffused itself through the army. Under this system His Majesty was not in a condition to direct the military arrangements so as to secure a steady progressive movement. From the deceased King's time the stamp of this system was deeply impressed upon the army. At the time of His Majesty's accession it combined in many respects the disadvantages of a militia with those of a standing army. It was behind in everything except tactical exercises. In 1806 the Prussian army had the worst muskets in Europe.

Who could have supposed that in 1805 provision had not been made for an internal defence of the country and especially of the Elbe? And yet even in 1806 nothing had been done towards it, and the result was the greatest disasters of every kind. It was in vain that His Majesty had wished even earlier to have a militia and had expressed his wish to have all defensive measures taken. A Military Department only existed to make arrangements according to the regular form; there was no regulating direction which, taking account at once of internal and external conditions, could have laid proposals suitable to the occasion before His Majesty. The decreeing and executing Power not being combined, His Majesty never had a comprehensive view of the internal military arrangements. Thus in 1807 we saw His Majesty in the province of Prussia paying daily for 47,800 portions and 29,100 rations, and yet not opposing to the enemy more troops than on an average 15,000, for some time not 10,000. An astonishing fact! which proves that in no European State have the means of war been worse or less efficiently used than in Prussia, and that things remained just as they were when the existence of the State was at stake. With a decent direction these resources might have opposed to the enemy far more than twice as many combattants. But accustomed to routine and without expedients for special emergencies the authorities excused themselves in the most ridiculous manner.

General Lestocq's corps had to make the winter campaign of 1806 without cloaks, although they were ready in the autumn. They were not given out till the spring, when they were of no use!

When, in the summer of 1807, His Majesty at Memel did me the honour to put me upon the Commission of Reorganisation, I tried to make out the actual condition of the troops: a great number of useless Artillery and commissariat horses were still kept, which should have been sold directly after the Peace. I spoke of it to Cabinet Councillor Beyme, and afterwards to Minister Stein; and they suggested to His Majesty to make the retrenchments. But the War Collegium would have it that all troops which were not at home in Prussia should remain mobilised; they could not imagine troops not mobile and yet not in a settled condition within their old quarters. So I had to come forward against the War Collegium, because Minister Stein called on me to support the opinion I had expressed to him. The affair was laid before the Commission, and only in that way could the retrenchment be effected. This showed Minister Stein and Cabinet Councillor Beyme that they could procure

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the retrenchments which the State so absolutely required by means of the Commission, and it was only so that His Majesty was enabled to keep the troops without absolutely disbanding them until the evacuation of the other Provinces.

After laying before Your Majesty my humble justification of the new organisation of the upper part of the Military Department and its administration, I must go on to speak of the new arrangements in the army itself, since every conceivable objection that can be urged against this has been laid before Your Majesty, as I think I have had many occasions to observe. I might be the easier about this, as most of the ideas of the new system are simply Your Majesty's ideas carried into effect by the Commission. But how few know this! And even for Your Majesty many points require fuller explanation.

What would the adversaries of the new system have? .... Are noblemen's children to have the privilege of being appointed officers in their crass ignorance and feeble childhood, while men of information and vigour are put below them without hope of preferment? So much the better, no doubt, for the noble families, but ill for the army; it will never win the respect of the nation, and it will be the laughing-stock of the other educated classes. Or is promotion to go not according to attainments with young men and desert with the older? Is old age to monopolise the higher posts? That means that active, lively, ambitious men, whose mind soon wears out their body, should be kept back, and indolent, phlegmatic blockheads, with few exceptions, come to the front. If many otherwise respectable men think that discipline cannot be properly maintained if any ensign of sixteen and brutal non-commissioned officer is not allowed to flog any old soldier within an inch of his life for an insignificant, innocent mistake in exercise or dress, this can hardly be regarded as anything but a prejudice. ... If the nation is to regard itself as the defender of the country, it must not in this new quality be threatened with the most degrading punishments, which are only very rarely inflicted on the dregs of the population. But if we want to have back the foreigners, the vagabonds, sots, thieves, rogues and other criminals out of all Germany, who ruin the nation and make the army hateful to the citizen, and then desert as soon as the march begins, then, no doubt, we shall not be able to do without the old punishments. For infamous fellows we shall want infamous punishments. ...

To raise and vivify the spirit of the army, to unite it more closely with the nation, and direct it to its great and important vocation, this is the principle which lies at the bottom of the new arrangements, and it should be studied first by those who would judge of them.

The abolition of infamous punishments, upon which Scharnhorst lays so much stress, is inseparably connected, as we have seen, with the universal conscription. This again is inseparably connected with a short term of service and with the fourfold division of the army into Standing Army, Reserve, Landwehr and Landsturm. The whole

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system is plainly present to Scharnhorst's mind, but he cannot venture to announce, much less to decree, all that he wishes. The Landwehr must be renounced for the present, but in the meanwhile an Administrative Reform, similar to that which is carried out in the State by Stein, can be introduced into the army, and when Napoleon requires that the army should be reduced to 42,000, Scharnhorst can seize the opportunity of introducing, what he had intended to introduce in any case, the principle of short service, and in this way can create the reserve.

CHAPTER V.

THE INTERCEPTED LETTER.

THE Moniteur for September 8th, 1808, begins with a column of news from New York, referring principally to the making of roads and canals in the United States, and concluding with the remark that "the emigration of the Catholics of Ireland and Scotland has become very considerable since the British Parliament has rejected the last bill in favour of that class of citizens. In the month of May alone there have arrived 240 Catholic emigrants at the single port of Philadelphia." The second column is devoted to Prussia, and contains intelligence dated Berlin, August 26th. It runs as follows:

Un assesseur Prussien, nommé Koppe, était désigné comme un agent d'intrigues. Le Maréchal Soult ayant été dans le cas de le faire arrêter et conduire à Spandau, on a saisi ses papiers où l'on a trouvé l'original de la lettre qu'on va lire.

Nous croyons devoir la publier comme un monument des causes de la prospérité et de la chûte des Empires. Elle révèle la manière de penser du ministère Prussien et elle fait connaître particulièrement M. de Stein, qui a pendant longtemps exercé le ministère et qui est aujourd'hui presqu'exclusivement chargé de la direction des affaires. On plaindra le roi de Prusse d'avoir des ministres aussi malhabiles que pervers,

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Then follows the original letter accompanied with a French translation. I give the latter here.

Königsberg, le 15 août, 1808.

Par la lettre officielle que M. de Koppe aura l'honneur de remettre à V. A. elle apprendra tout ce qui a rapport à nos affaires de finance; je ne me permettrai que quelques observations sur notre état et notre position en général.

D'après le conseil des comtes de G. et W. (according to the German it should have been, du Comte de G. L. W.) on a donné itérativement des ordres au prince G[e] de proposer une alliance et un corps de troupes auxiliaires et de demander une diminution ou un délai pour les contributions; on a voulu que le prince s'éloignât d'une manière décente dans le cas où l'Empereur partirait pour de nouvelles entreprises. Si dans les circonstances actuelles, où nous pourrons être utiles à l'Empereur, S. M. n'accepte pas nos propositions elle prouve que son dessein est de nous anéantir et alors il faut nous attendre à tout. *L'exaspération augmente tous les jours en Allemagne; il faut la nourrir et chercher à travailler les hommes. Je voudrais bien qu'on pût entretenir des liaisons dans la Hesse et dans la Westphalie et qu'on se préparât à de certains évènements: qu'on cherchât à maintenir des rapports avec des hommes d'énergie et bien intentionnés et que l'on pût mettre ces gens-là en contact avec d'autres.* Dans le cas où V. A. pourrait me donner des renseignements à cet égard je la prie de vouloir bien me renvoyer M. Koppe ou un autre homme de confiance.

Les affaires de l'Espagne font une impression très-vive; elles prouvent ce que depuis longtemps on aurait dû entrevoir. Il serait très-utile d'en répandre les nouvelles d'une manière prudente. On considère ici la guerre avec l'Autriche comme inévitable. Cette lutte décidera du sort de l'Europe et par conséquent du nôtre. Quel est le succès que V. A. en attend? Les projets que l'on avait au printemps de 1807 pourrait aujourd'hui se realiser. Où est actuellement M. Meuring?

Le comte de Vinc*...vous fera bientôt une visite et il y restera quelque temps.

L'Electeur court dans les circonstances actuelles grand risque de se perdre lui-même avec ses propriétés; il devrait cependant chercher à mettre l'une et l'autre de ces choses à l'abri. Je crains beaucoup qu'il ne soit à la fin la victime de son irrésolution et de son avidité. M. de Jacobi n'est pas encore arrivé; on l'attend aujourd'hui. Son voyage a été long et difficile. On s'est enfin décidé à nommer Ancillon pour instituteur du Prince Royal. L'exécution demandera encore du temps; mais c'est toujours un pas, ce qui est beaucoup pour notre irrésolution.

Ce n'est pas bien que la de H. (read U.) ait abandonné sa première idée; la société d'une telle dame, éprouvée par l'expérience et les malheurs, aurait été d'une très-grande utilité à la R(eine).

* Not Vincke, as the reader may suppose, and as has been often asserted, but a certain Count Vincent.

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If faut que les finances de la maison soient dans un très-mauvais état, car on ne me paie pas les 13000 florins que l'on me doit pour la terre que j'ai vendue, il y a quelques années; je voudrais bien que cet argent me rentrât; car on en a besoin par le temps qui court et il faut que je m'arrange d'après mes revenus.

J'apprends qu'une partie de vos amis quitte le Holstein.

Le général Blücher est très-faible; on a dû lui envoyer à Colberg le colonel de Bülow pour son assistance.

Je suis, etc.

De votre altesse, etc.

Signé, STEIN.

À S. A. le prince de Sayn Wittgenstein, à Dobberan.

This startling revelation to the whole world through the Moniteur of the new Spanish policy of Stein was unknown to Stein himself at the time of the Czar's visit to Königsberg, though it was the topic of Niebuhr's correspondence a week before. The Czar left for Erfurt on September 20th, and Stein was to follow him on the next day. But on the morning of the 21st arrived the Moniteur, and new resolutions had to be formed.

On reading this letter immediately after Niebuhr's commentary on it, our first reflexion is how glaringly mistaken part of that commentary is. Niebuhr is sure that Stein's expressions (evidently those relating to the expediency of spreading discontent and to the lessons to be learnt from Spain,) were merely the passing flash of a mind very rapid in conceiving and dismissing new ideas. The description of Stein's rapid manner, given by one who knew him personally, would interest us more if it were not coupled with an assertion which we see to be completely untrue. So far from being a passing flash, these expressions conveyed a fixed determination which possessed his whole mind at this time; and it takes us by surprise to find that Niebuhr was so entirely ignorant of the views of the very party with which he was most closely associated. Not only the thoughts, but the very words of this letter are to be found in the other documents written by Stein about this time, and I confess that instead of that Napoleonic mobility of thought attributed

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to him by Niebuhr, I have been struck, here as elsewhere, by his habit of repeating over and over again stereotyped phrases. The substance of this letter written on August 15th had been contained in a report which he wrote on the 11th, and from which extracts have been given above. Indeed I find in that report an explanation of one sentence in the letter which Pertz seems to misunderstand.

What does he refer to when he says that by the advice of Counts G. and W. (French version) or of Count G. L. W. (German original) instructions have been given to Prince Wilhelm to propose to Napoleon an alliance and a body of auxiliary troops in return for a reduction of the pecuniary claim and a prolongation of the term? The report in question begins as follows:

> The Prince of Ponte Corvo and M. de Bourrienne consider the present moment suitable to renew the proposals with respect to the alliance and the furnishing of a corps of troops under the command of a French General.

He proceeds to give his own opinion thus:

> Accordingly we must instruct the Prince (Wilhelm) to represent again the increasing exhaustion of the Prussian Provinces and the consequent impossibility of being useful to France as Prussia was useful in the time when friendship subsisted between the two Powers, and to repeat the offer of a reasonable arrangement in respect of the contribution and of the formation of an alliance.

It will be seen that this report agrees entirely with the letter except that it speaks of the Prince of Ponte Corvo (Bernadotte), and M. de Bourrienne, instead of Count G. L. W. or Counts G. and W. But we learn from a note in Pertz* that in the MS. of the report, the names Counts v. Golz and v. Wartensleben were originally written, but had been crossed out and the names of the Frenchmen substituted for them. It seems then that in the letter the French version ("des comtes G. et W.") is right, and that the German has been misprinted in the Moniteur and should have been *der Grafen G. und W.* instead of *des Grafen G. L. W.*

* Note 86 to Book III. (Vol. II.).

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But was Niebuhr equally mistaken in thinking, as he evidently does, that Stein is shown by his letter to have left the right course, to have lost his head, and to be rushing on destruction? It is certainly natural to think that it was an act of reckless imprudence to commit to written words, words so exceedingly distinct and not written in cipher, such dangerous plans, and then to send them across a country in which a French army was still quartered. This charge of imprudence was loudly made at the time, and Pertz has replied to it in arguments which may be considered those of Stein himself. He points out in the first place that though the practice of seizing an enemy's letters in order to find out his plans is universally justified in war, there was at this time no war between France and Prussia, that Prussia was an independent State at peace with France, and the letter was seized within the Prussian territory. He doubts whether Napoleon's own letters to his officials would have better borne printing in the English newspapers than Stein's letter in the Moniteur. But to point out that the French acted lawlessly is not to defend Stein's prudence. No one knew their lawlessness better than he; he could not seriously doubt that they would seize his letter if they could gain any object by doing so; he knew that he had enemies who were in communication with the French and who had begun to understand what dangerous plans he meditated. But secondly Pertz urges that Stein took sufficient precautions against the seizure of the letter. The bearer of it was no nameless or unknown person. He was a certain Assessor Koppe, the son of a well-known Göttingen Professor, whom Stein's father-in-law had employed to defend his conduct in the command of the Hannoverian army in 1803. He himself had carried the Daru Convention to Paris in March, and we have recently seen him reporting to Stein against the Tugendbund. To this person Stein, on dismissing him, had given the most particular instructions to use the utmost circumspection. He had suggested to him in what parts of the carriage he might most conveniently conceal the papers

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he carried. Koppe, it appears, neglected these instructions altogether and carried the papers openly by his side. In passing through Berlin he visited his own family, with whom a certain French spy named Vigneron had an acquaintance, and on recommencing his journey was stopped near Spandau and yielded up his papers without resistance. He was afterwards conveyed to Fort Joux in the Jura, where he occupied the cell which not long before had witnessed the death of another better-known victim of the same dark tyranny, Toussaint L'Ouverture.

This is good so far, but what mean Niebuhr's mysterious allusions to dangerous people with whom Stein in his simplicity is allowing himself to be mixed up? Who are these dangerous people? Pertz suggests Koppe or Wittgenstein or Nagler. But Niebuhr, as if to guard against the supposition that he meant Koppe, puts at the end of his letter an express assertion that Koppe was a harmless man. Nagler seems to have done Stein some harm afterwards, but I know no reason for connecting him with this business. We cannot suppose, what is the most obvious interpretation, that he is thinking of the leaders of the war-party, for these were Scharnhorst and Gneisenau, the most honest and able advisers that Stein could have had, besides that when Niebuhr left Königsberg no war-party existed and he evidently has not heard of the formation of one since. But what of Wittgenstein? I do not know whether it can be proved that Stein's intercourse with Wittgenstein began before Niebuhr's departure, but it seems not unlikely that it did so, and if there was anything objectionable in the character of Wittgenstein, Niebuhr was likely to know of it, for finance was Niebuhr's special department. And if he had formed an unfavourable opinion of the Prince, he would be particularly pained to read a letter in which Stein made him the confidant of such dangerous secrets.

Now what sort of person was Wittgenstein? The following description of him, the reader will be startled to learn, is from Stein's own autobiography. In his enumeration of

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his expedients for raising money, Stein mentions negotiations with the Elector of Hessen on the basis of a mortgage or sale of Domains, which Prince Wittgenstein proposed in order to give himself position and importance, and then proceeds thus:

> Prince Wittgenstein had all the qualifications for procuring himself an advantageous position in life without acquirements, real worth, or merit; crafty, cold, calculating, persistent, supple to sycophancy. He realised the maxim *qu'un vrai courtisan doit être sans honneur et sans humeur;* he aimed at money and secret bedchamber influence. He began his career at the court of Carl Theodor (*i.e.* the Elector of Bavaria) at the card parties of the antechamber, next seeking a union with the Abbess of Lindau, the Elector's natural daughter, soon after in 1792 he was arrested for a suspicious connexion with the French Ambassador at Mainz by a resolution of the Electoral Ambassadors assembled at Ehrenbreitstein to elect Franz II. Released he became High Steward to the late Queen, member of the set of Madame Rietz', whom he accompanied to Italy; then Ambassador at Cassel and head of a banking-house for which he procured the capital from the Elector on his elder brother's guarantee; intimate with Count Haugwitz and H. v. Hardenberg, to whom he advanced money, Commissioner of the bankrupt Plettenberg estate, which he embroiled still further; since the Battle of Auerstädt living partly at Hamburg, partly at Königsberg; connected at the former place with Bernadotte, while at the latter he made advances to me with his project of a loan.

Surely it is startling to find Stein writing with such easy communicativeness to a person of this character. It is true that the description was written many years later and when Wittgenstein had become an object of dislike to all the patriotic party. But many of the facts stated in it must have been known to Stein in 1808; he must have known of the affair at Ehrenbreitstein, of the intimacy with Haugwitz and Madame Rietz. Is it not remarkable that he should confide his plans of a rising against the French to one who had been suspected in 1792 of a traitorous connexion with the French, and who at this very time was in communication with Bernadotte? But suppose that Stein believed that suspicion to have been ungrounded, suppose he believed Wittgenstein to be a man of good character, could he possibly have believed him to be the kind of person who would sympathise with his warlike views? Everything about Witt-

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genstein reminds us of the courtier-party who were leagued against Stein and whose strongest principle was subserviency to France. Now we have already hinted that in all probability the courtier-party were just at this moment bent upon ruining Stein by making the French acquainted with his plan of insurrection. When the letter appeared in the Moniteur it was the universal cry of Stein's friends that he had been betrayed by this party. Thus for instance writes his old friend Count Reden on September 24th, "You are the victim of a deliberate, deep-laid plot . . . Of that no unbiassed eye can be in doubt." And in this way Pertz represents the affair, giving us sufficiently to understand that this was the view which Stein himself took of it. Whether the fact was actually so or not, it is certain that just such was the course that might have been expected of the courtier-party. They were bitterly hostile to Stein, and his declaration in favour of an insurrection was just what their hostility wanted. Of another party we might hesitate to suppose that they would call in the enemies of Prussia against a brave statesman who had made sacrifices in the common cause. But it was the party of what is called "society," its opinions were well-bred crazes, its behaviour had the violent puerility of an aristocratic mob. Its maxim now was that "there was every reason for placing entire confidence in the French," and accordingly it paraded its devotion to the conqueror without shame or restraint. There was therefore at the least reason enough why Stein should be cautious of giving utterance to his real thoughts on foreign policy in the hearing of any one who might be supposed to sympathise with this party. And yet Wittgenstein was a courtier, he had been chamberlain to the late Queen and had been intimate with Haugwitz and Madame Rietz. When we consider all this, it seems easy to understand what Niebuhr says of Stein's unsuspecting frankness and rash confidences. Of the knowledge of mankind he seems to have wanted one half. Keen enough, as far as appears, in discerning merit, he was not quick to detect its opposite, and wanted the in-

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stinctive caution and reticence which that crisis demanded. Niebuhr objected to the Tugendbund, on the ground that Germans did not excel in secret societies. If so, Stein was national even in his weaknesses, for evidently he shines more in legislation than in conspiracy.

In supposing that Stein's indiscretion in the matter of this letter was twofold and that it consisted quite as much in the choice of his confidant as in allowing his confidences to fall into the hand of the enemy, we not only follow Niebuhr's cautious intimations and Stein's own estimate of Wittgenstein's character, but are confirmed by the direct testimony of one personally connected with Stein. Count Senfft, at this time Saxon Ambassador at Paris, had married Louise, a daughter of Stein's sister Werthern. In his Memoirs, written in 1814 (though not published till 1863) and dedicated to his wife, the incident is referred to in the following terms—we may consider the passage as throwing light on those views of the Countess Werthern which Niebuhr refers to:—

> At this time appeared the letter of the Baron de Stein, then directing Minister in Prussia and uncle of Mme. de Senfft. It was difficult to believe in the authenticity of the piece, so ill did it suit the presumed wisdom of a statesman occupied with the grand idea of restoring liberty to his country. *M. de Senfft was the more inclined to suspicion because the letter implied a confidential relation with Prince Wittgenstein, and that he knew M. de Stein's repugnance for the man, who was decried then by all parties alike.* Nevertheless the original was produced to Prince Wilhelm of Prussia and H. v. Brockhausen and its authenticity was acknowledged. It was known afterwards that the letter was written in an unguarded moment.

Another criticism upon Stein's conduct may perhaps occur to the reader. Was there any occasion, he may ask, to refer to such dangerous topics in this particular letter, even had Prince Wittgenstein been a more proper confidant than he seems to have been? It will be seen from the opening of the letter that Stein's principal business with the Prince was to induce the Elector of Hessen through him to invest some of his savings in Prussian Domain Lands; another letter which Stein calls "official" dealt with this subject;

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but apparently for courtesy Stein thought it well to add a few friendly lines in a less stiff and serious manner. Now could he not think of less dangerous topics for such friendly chit-chat? Was it necessary to write conspiracy merely for his correspondent's amusement? But here Stein may be defended. If we compare the allusions in this letter with the insurrection which actually broke out in the Kingdom of Westphalia in the April following, we shall see that the allusions are not of the nature of chit-chat, but point at something very definite, and that Stein may have had a most serious object in inserting them in his letter. Stein's own sister, an ardent patriot, was living in Westphalia, and Dörnberg, the future leader of the insurrection, was at this time in close communication with Scharnhorst and Gneisenau. But how did all this concern Wittgenstein? The answer is that through Wittgenstein Stein communicated with the Elector of Hessen. Now it is to be remembered that the Elector's dominions had been incorporated with the Kingdom of Westphalia. No one therefore had a closer interest in the imminent Westphalian insurrection than the very person whom Stein considered himself to be addressing through Wittgenstein; and since the question is of extorting from the miserly Elector some of his savings, no argument could be more apposite than that which these allusions convey, viz. that the Elector is only asked to subscribe money to his own restoration.

On the morning of September 21st, Stein received some intimation of what had happened from letters of his friends, and a little later arrived a certain Captain v. Thile with full information. Thile was at this time on the staff of Blücher, who was commanding in Pomerania; in later days and under Frederick William IV. he rose to be a Cabinet Minister, and died in 1852. He had been sent by Blücher on some business to Marshal Soult at Berlin. The Marshal had pointed to Stein's letter as it appeared not in the Moniteur but in the Telegraph of Berlin, an organ of the Opposition, and had exclaimed, "the King is ruined by his Ministers." Thile

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read the letter, hurried away, and took horse at once for Königsberg. When Stein understood his situation he walked up and down the room for some minutes, then stopped suddenly before Thile, and said, "Well! in Berlin I suppose they think I am hanged already!" Thile answered that he had not spoken to any one in Berlin, but had thought it better to come at once in person and report the matter to the Minister. "You are right," said Stein; "the King must learn this from my mouth first." He went out, and meeting Prince Radzivill at the door, put his hand on his shoulder and said, "Another time, my dear Prince; now I must have an audience of the King." He went at once and asked for his dismissal on the ground that his remaining in office would be detrimental both to the King and to the country. The King's reply was that he could not spare him for the present, that he must wait for the Czar's return, and that in the mean time Golz, the Minister for Foreign Affairs, must go instead of Stein to Erfurt.

Such then was the unfortunate occurrence which Napoleon took advantage of to force a new treaty upon Prussia, and in the end, though not at once, to exact the dismissal of Stein. It is curious to observe, and it ought to have put Stein on his guard, that he had dealt in precisely the same way with the Saxon Government the year before. There too a spirited Minister, Count v. Loss, had upheld the courage of the Elector against Napoleon. There too papers had been seized, at the house of Mr. Wynn the English ambassador, in which proofs of Loss's English sympathies were found. Napoleon had instantly quoted these papers in an interview with a Saxon negotiator and accused the Elector of treachery. The Elector had allowed himself to be browbeaten, Loss had been ignominiously dismissed, and the subjection of Saxony was from that time complete. Not less eagerly did Napoleon seize his advantage now. On the very day on which the Moniteur printed Stein's letter—the 8th of September—and more than a fortnight before the Moniteur arrived in Königsberg, a new Convention was laid before

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Prince Wilhelm and Brockhausen, which they were required to sign on the instant under penalty of indefinite evils for Prussia. Stein's letter furnished the excuse which was wanting for imposing new conditions unknown to the Treaty of Tilsit.

I have seized letters (said Napoleon) which make me acquainted with the temper that prevails in Prussia. I will not suffer it. Be assured that I will be swift like lightning to suppress any outbreak of ill-will among you. I know from the letter of one of your Ministers the designs that are entertained, and that hopes are built on the Spanish occurrences. But it is an illusion: France has such an immense power that she can hold her own everywhere.

The Convention now proposed, instead of arranging for the evacuation of Prussia in fulfilment of the Treaty of Tilsit, reserved to Napoleon the three fortresses of Glogau, Stettin and Küstrin with 10,000 French troops, which were to be subsisted at the expense of Prussia, with the command of seven military roads between these fortresses and Magdeburg, Stralsund, Kalisch, and Danzig. The rest of the country was to be evacuated in return for a payment of 140,000,000 francs (instead of 112,000,000 as in the Convention of March), for an additional cession of territory in the neighbourhood of Magdeburg, and for the surrender of certain pecuniary claims which the Prussian Government had on subjects of the Duchy of Warsaw, and finally (by a secret Article) was to reduce her army to 42,000 men, and not increase it again for ten years. It must be repeated that these new cessions were dictated to Prussia by no right but that of the stronger, just as if the Treaty of Tilsit had not existed or as if Prussia had since been worsted in a new war. Finally the power of imposing new conditions of the same kind upon Prussia whenever it should be convenient to Napoleon was formally reserved in the 4th Article, which provided that the claims which the provinces separated from the Prussian Monarchy might have on the Prussian Government should be the subject of a separate arrangement.

This Convention then, laid before them on the very day when Stein's letter appeared in the Moniteur, Prince Wil-

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helm and Baron Brockhausen, not being allowed a respite even while they should consult their Government, had no resource but to sign. After this it lay with the King to decide whether the evacuation of Prussia by the French troops should relieve the country of its incubus and enable it at last to raise its head again, or should bring with it no relief, but rather confirm the servitude of Prussia.

Stein's unfortunate and imprudent letter could not, after all, be considered as altering in any respect the relations of France and Prussia and ought not therefore to have been allowed by the King to have any effect upon the negotiations. As Stein himself observed in a letter to the Czar, dated September 21st, it was absurd to suppose that expressions contained in the private letter of an official who could be dismissed in a moment gave France new claims on Prussia, or Prussia new means of paying France. After, as before, the seizure of the letter the question was simply this, What means of resisting has Prussia? and moreover the seizure of the letter did not perceptibly diminish those means. Napoleon gained by it a pretext, but nothing more. If no letter had been seized, he would equally have desired to impose the Convention on Prince Wilhelm, and he would equally have been able to do so. What influenced Prince Wilhelm was Napoleon's overwhelming power, not the pretext he alleged. Had the pretext been less strong, had Napoleon merely alleged vague suspicions of an intended rebellion, which he would have been able to do even if the letter had never been seized, and at the same time assumed the same alarming tone, the Prince must equally have yielded. It was for the King not to allow himself to be intimidated in this way, but to consider calmly what means Napoleon had of enforcing his exorbitant demands. No error had been detected in the calculation which his Ministers had laid before him, that Prussia had now scarcely anything to fear because she had scarcely anything to lose; that if she were actually annexed and the King himself driven into exile, her position would be scarcely worse and

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his perhaps more comfortable than before; but that Napoleon was certainly weaker than he had been, that he wanted his troops and was not in a position to take any extreme course with Prussia, and that the exorbitant demands he now made only cloaked a consciousness of diminished power. That Napoleon now knew the chief Minister of Prussia to be planning a general insurrection of North Germany was no reason why the King should be alarmed, though it might well alarm Napoleon. Napoleon, we may be sure, knew well that the Spanish insurrection was the great disaster of his career, and that a German insurrection added would be as much as he could resist. Instead of disowning it and dismissing the Minister the King should have paraded the German insurrection, made the most of it, and redoubled his marks of confidence in Stein, for instead of being his weakness it was the best card he had to play. Perhaps Stein himself would not have been so rash at this crisis had he not felt that there was a kind of policy in letting Napoleon have a glimpse of the dangers his tyranny was preparing for him.

If so, Stein had forgotten that the ultimate decision did not rest with his own firm will, but with a will always fatally inclined to inaction and concession. Before he heard of the seizure of the letter he must have become aware of this, for since it was written he had had that interview with the King in which he had learned that everything was to be left to Russia, and he had also heard from the Czar that nothing could be done at present. In these circumstances we cannot wonder that he recommended the King to dismiss him. What he had overlooked was precisely what the enemy was in no danger of overlooking, for Napoleon's special talent lay in the happy audacity with which he dealt with weak people, in the instinctive readiness with which, while his own views were clear and purposes fixed, he entered into the confused views, the vacillations and bewilderments of the feeble despots whom it was his mission to humble. A new crisis was come upon Prussia

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similar to those which we have remarked in the earlier periods of the European war. As in 1799, as in 1803, as in 1805, the Government was called on for an act of firm resolution; in the fortnight that followed the appearance of the Moniteur in Königsberg, it was to be decided whether the Government would take up a strong position or make a new disastrous concession; and unfortunately, though resolute counsellors were at hand this time, the ultimate decision lay with him who had found even Brunswick and Haugwitz too daring. But the present crisis proved more memorable in the history of Prussia than those which had preceded it. The interests at stake were this time so great, the public danger so manifest, and at the same time the unprecedented position of the Minister, who eclipsed the Sovereign as no minister had ever done before in Prussia, attracted public attention so strongly to the controversy, that the secrecy of Prussian government was broken through for the first time. Political passions were roused to a certain extent in a country to which they had hitherto been unknown. The French party of Berlin now, by the malice with which it pursued Stein, forced into existence an opposite party, and the great question so suddenly brought before the public mind by the publication of his letter, the question namely whether the example of Spain ought to be followed, could not but be hotly debated. A patriotic party formed itself, to which as a matter of course Scharnhorst and Gneisenau belonged; to these were added others such as Schön, Sack, Süvern. There was something new in the constitution of these parties. They were not such as had been known in Prussia before, not such as cannot but arise in the most despotically governed State, for they were no longer exclusively composed of officials, and their controversies were no longer confined to the secrecy of the Council-board. They were the germs of parties of the English type, their rise marked the awakening of political consciousness, and their debates began to fill the columns of the newspapers. The followers of Stein began to show

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their enthusiasm in a way which, however natural, seemed new and unheard of to Prussian courtiers. Thus for instance writes Prince Wittgenstein himself:

> Our credit in foreign countries declines from day to day, all confidence is lost; it seems to be intended to destroy both entirely. However insignificant may be the verses inserted in the Gazette of Königsberg and the remarks made on the subject by the Gazette of Berlin, they make nevertheless an incalculable impression abroad. It is inconceivable that the censor at Königsberg can allow articles like these to pass.

What were these "verses inserted in the Königsberg Gazette"? The following poem is a specimen; it appeared on October 27th.

> Stand fast, great man! a rock in stormy weather:
> Let the wind howl, the whelming billow break,
> Let the wild sea inisle thee—all together
> Shall ne'er that ancient granite bruise or shake.
>
> Rest still our guardian! led by thee and shielded,
> The true man feels not hope or courage fail;
> Against the house on this foundation builded,
> No gates of dark destruction shall prevail.
>
> How rich, how safe thy master, thee possessing,
> A mine of worth and wisdom in one gem;
> Thee may he guard with care, a public blessing,
> The costliest stone in all his diadem!

These verses, in which Stein is addressed as a political leader and the King is conjured not to dismiss him, are said to have been written by Süvern, the author of the conceit of "Grundstein, Eckstein, Edelstein," upon which these stanzas also are plainly grounded.

While the patriotic party vented their enthusiasm for their leader in the columns of the Königsberg Gazette, the discontented replied in the Berlin Vossische Zeitung by the pen of the Jew Lange. There Stein was accused of "insulting the noblesse," and of "having adopted a system of levelling and anarchy." There "the great Napoleon" was extolled, and the tone in which the Moniteur, the Journal

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de l'Empire, and the other French organs discussed the newly revealed plans of the Prussian Minister, was echoed. As is usual with the incidents of Stein's life, all this seems far more important now than it could appear at the time. It was the peculiarity of his position that he could neither act nor suffer without commencing something new in the history of Prussia. The party quarrel which arose about his unfortunate letter is a landmark in that history as much as his Emancipating Edict. It marks the beginning of political parties in Prussia. Since that time the strife of parties has never ceased, as indeed it cannot cease in any country in which political life has once begun; but before that time what strife there was in the political world was of an essentially different kind, for the contentions of Haugwitz and Hardenberg, Stein and Beyme, had been carried on in silence and secrecy, unregarded and almost unknown outside the official hierarchy.

If the rise of great popular parties is the best evidence of political life in a country, the year 1808 may be regarded as the political birth-year of a large part of the Continent. The parties both of Spain and of Prussia began in 1808, and they were called into existence by the same cause, viz. the pressure of Napoleon's tyranny. It is interesting to observe that the names of the great Continental parties date from the same year. Liberals and Conservatives were first arrayed in opposition to each other in the Spanish Junta of 1808, and these names are now heard in every European country. But the French party of Berlin and the following of Stein cannot be said to correspond, except very roughly, to the Conservatives and Liberals of modern Prussia, nor were the names introduced at this time. They did not come into general use till some years after the Peace, little earlier than the time when England, under the leadership of Canning, condescended to borrow this Continental nomenclature.

We return to the Convention. The King took the matter into his own hands and without consulting Stein

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sent, as early as September 29th, to Count Golz at Erfurt, full powers to ratify it. He afterwards wrote to Stein:

> It will always be difficult or impossible to determine whether we did well or ill to ratify. I must however take this opportunity of remarking that I should never have determined on the step if your opinion had been distinctly opposed to it and supported by tenable reasons.

The King might no doubt consider Stein's reasons untenable, but in all the documents before us they are certainly given with sufficient definiteness. It appears that Count Golz threw his influence into the scale in favour of ratification, being intimidated by the language held at Berlin, when he passed through it on his way to Erfurt, by Daru, Davoust and the other Frenchmen, who made the most of Napoleon's anger and represented the absolute necessity of submitting to his will.

It seems impossible to justify this step except upon purely fatalistic principles. If it can be right for a government to abandon all calculation of consequences and to remain purely passive, committing everything to Providence, then the King may have been right; and it is true that in this instance Prussia did escape ruin and after six years, not so much of distress or humiliation as of suspended existence, actually recovered all that she had lost. Influenced by this result, some of those who at the time most eagerly recommended resistance, for example Boyen the eminent military reformer, afterwards retracted their opinion and declared that the King had been right. But what rational argument could be alleged at the time for the course which he pursued? To save Prussia the only human means were either to resist Napoleon or to take measures for conciliating him. The King could not make up his mind to the first course, but neither did he adopt the second. His conduct was not such as might lead Napoleon to regard him with good will or to desire to treat him as a dependent ally rather than to destroy him. He had already at the end of August, following the advice of Stein,

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declined to become a member of the Confederation of the Rhine. Undoubtedly this refusal was honourable to him, undoubtedly it was not possible to conciliate Napoleon without the sacrifice of honour. But this being so the only rational alternative was resistance, and the King's course does not deserve to be called a policy and ought not to be considered to have had any, even temporary, good effects. That Prussia was not destroyed but continued to exist seems to have been the effect of no act of hers, but simply of want of power on the part of Napoleon, and it is evident that his power would have been still further diminished by her resistance. During every year that she remained passive she drew nearer and nearer to destruction, for she acquired no new securities and saw her enemy grow continually stronger and stronger. It was a policy of complete nullity, a policy which did not find courage even in despair, which refrained from using the advantages offered by fortune, prostrated itself before Napoleon when he intended nothing but destruction for Prussia as humbly as if there had been a hope of appeasing him, and was just as abject when he was in embarrassment and difficulty as when he was at the height of success.

After September 29th, when the King took the decisive step, the controversy might have ceased, for no good could be done by continuing it. But the King's act remained for some time unknown to the public, and it is curious to observe that Stein himself, though in his dictatorial position he had a kind of oversight of Foreign Affairs, received no direct intimation of it and actually did not discover what had been done till October 11th, that is, nearly a fortnight after. Through the first half of October, therefore, the discussion went on as though the matter had still to be decided. An Appeal to the Germans, to be published when the war should begin, was sketched by Süvern and laid before the King, who found a pretext for putting it on one side; and we have a report of Stein's, dated October 12th, upon an essay by Gneisenau recommending war. Part of

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this report has been already quoted; it shows how completely unchanged Stein's opinion remained, though the ardour of his language is damped by the discovery he had made only the day before.

The following sentences are worth quoting:

If Your Majesty signs the Treaty with a view of keeping it, all the consequences will follow which H. v. Gneisenau describes—impoverishment of the nation, exasperation and contempt towards the Government, complete subservience to the destructive will of the French Emperor, whose diseased ambition and restlessness ruins the public and private well-being of all the nations he rules either directly or indirectly. These are not the reasonings of overexcited minds, but experiences which every man must make who has made acquaintance with the countries of the Confederation of the Rhine and the reigning opinion about the princes of it.

But if Your Majesty signs the Treaty in order to break it upon occasion and particularly when a war with Austria breaks out, then you only use a stratagem against wickedness and violence. Shall the Emperor Napoleon alone have a privilege of putting evil in place of right and lies in place of truth?

On these grounds I repeat my counsel that we make approaches to Austria and prepare all physical and moral means within the country in order to break the French yoke when war breaks out; and I repeat my request that according to the decision adopted the adherents of the one or the other opinion, opposite to the adopted decision, may be dismissed.

In utterances like these, it is surely astonishing that the King should detect, of all things, a want of distinctness!

Another document of great interest is a memorial addressed to Stein, under date October 14th, and signed by Scharnhorst, Gneisenau, Nicolovius, Süvern, Schön, Grolmann, and Röckner. It begins by asserting as a notorious fact, what Stein also uniformly maintained, that the Treaty, ratified or not, cannot possibly be fulfilled by Prussia. Then follows a forcible paragraph.

But granting that the Treaty could be fulfilled, and the mitigation contemplated were obtained, who does not see that even the most advantageous arrangement would be nothing more than an agreement of humiliating servitude for a time and annihilation after that? Cannot we give him who has all along been our enemy, credit for prudence enough to follow the Macchiavellian rule, when an enemy is once humbled not to leave him half disabled? Is it not evident that he is compelled to act as he does by his own embarrass-

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ing position, and that our State would not now exist if circumstances had favoured him more? And like a patient victim we are to let him lead us off for a more convenient season!

They contemplate the case which actually happened, viz. that Prussia should be saved by mere good luck; but they say,

May some good genius keep the thought far from every Prussian heart! Not to speak of its profound meanness, how are we to count on what is so uncertain? who is to guarantee that events will follow the desired course, that they will not take another turn and leave us in a labyrinth from which rescue is no longer to be hoped?

They recognise the approach of the Anti-Napoleonic Revolution.

Europe has declared itself in a state of revolution. The fire must blaze out, first here, then there, one flame must kindle another till the universal conflagration has consumed the enemy of peace, and till then there can be no rest!

They point out that when the French are gone, the misery of the country will be attributed to the King, and he will inherit their odium; then they continue thus:

But perhaps it is intended to ratify theTreaty in order to break it again a few days or weeks after. Pray Heaven it be not so! Let us have done at last, taught by our sad experience, with the pitiful policy of weaklings who deal in stratagem that should be secret and is as visible as the day. Only frank great-hearted dealing can cope with our enemy's subtler craft. Spain shows what may come of this: no good has ever come of the opposite course.

Their conclusion is as follows:—

It is therefore the unanimous wish of the undersigned passionate lovers of King and country, that the Convention be not ratified, and that your Excellency, understanding better than we can express them all the reasons against the ratification, use all the emphasis peculiar to you to prevent it. We believe the enemy is precluded by his position from attempting any violent course, and if he did that too would not be without its advantages; in any case we hold that there is a way of deferring the ratification which the enemy cannot oppose without harm to himself, since it binds at the same time the people to the

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King's interest—that is, to ask the people about it in their assembled representatives. So will time be gained to await the most favourable moment, and assuredly any day may bring us that.

In this passage is seen the close connexion of the Anti-Napoleonic Revolution with Liberalism in the Continental sense of that word. It is from the necessity of calling in the people against Napoleon, from the proved dependence of the sovereigns upon the people in their extreme need, that the rights of the people on the Continent have been deduced in the present century.

For the present however, all schemes of the kind were frustrated by the King's decision. Several days before the date of this memorial the ratifications had been exchanged at Erfurt. Count Golz had had his interview with Napoleon on October 9th, and wrote that the Emperor was still much incensed with Stein and that the only chance of rescuing Prussia from destruction lay for the future in complete dependence on France. As before at Tilsit, nothing was vouchsafed to Prussia except under the name of a compliment to the Czar. By his intercession she obtained a remission of 20,000,000 francs. Thus by the vague terror attached to his name, and by a skilful use of threats, Napoleon had succeeded in making as good terms with Prussia as if he had been still at the height of his power, as if no Spanish insurrection had taken place, and as if no necessity compelled him to withdraw his army of occupation. At the same time the plans of the patriots for a great German insurrection to take place in 1809 were frustrated by this new submission on the part of the very Government which would naturally take the lead in such an insurrection and by the publicity with which it had repudiated the views of Stein.

The conclusion of the Treaty carried with it another necessary consequence which is not less interesting to us here, namely the fall of the Minister. How far Napoleon's anger would go was as yet uncertain, and there was a dis-

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position to imagine it rather simulated than real. But in fact he could hardly allow Stein to remain Minister after the revelations of the Moniteur without giving a dangerous encouragement to the spirit of resistance. And much less than Napoleon's avowed hostility was required to overthrow Stein. We have before observed how precarious his power was at the best, since he was odious to the aristocratic party and not specially agreeable to the King. We have seen that nothing supported him but the sense that an able Minister was indispensable. Had the King now determined upon an energetic policy, Stein would have become more necessary than ever in spite of his letter, and in all probability a chapter in his life would have opened far more eventful and brilliant than that which was drawing to a close. But on the other hand, as the King decided the other way, it seems likely that Stein would have had to retire even if the letter had never been written and Napoleon never been provoked. For with the new Treaty and the withdrawal of the army of occupation Prussia's condition was altered and became, not indeed really less desperate and humiliating, but more settled and such as did not not seem to call so imperatively for a dictator. The public alarm subsided somewhat, heroic remedies became one degree less popular, and those who desired nothing better than a peaceful course of vegetation began to look about them again. Such a new period did not suit a reforming spirit, nor indeed a high spirit at all, in the Minister. When the only chance of Prussia seemed to lie in an unreserved devotion to France, the most suitable Minister would be one of those courtiers who might be trusted never to question Napoleon's will, and who at the same time might procure to the King and Queen as comfortable a life as possible. Stein's ministerial career was felt to be over, though another month passed before the King accepted his resignation.

But the reader must not suppose that because we have brought him within sight of the end of Stein's Ministry we

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have nearly completed our view of his performance as a Minister. On the contrary, the greater part of this remains to be described. During the months in which first the negotiation with France and, when that seemed hopeless, the conspiracy against France, were going forward, Stein was carrying on at the same time those legislative labours which were to make him memorable after all his efforts to pacify or to resist Napoleon had proved fruitless. Before we describe the circumstances of his resignation, and, what speedily followed, his proscription by Napoleon, we must retrace our steps and examine his reforming legislation.

Meanwhile I may insert in this place, as a new illustration of the unpopularity of Stein's measures among old-fashioned Prussians, which may be compared with the critique above given from Marwitz, the following estimate by the celebrated Yorck, the typical Prussian soldier of that age.

The man, unfortunately for us, has been in England and brought thence his statesmanship, and so now the institutions, which have taken ages to mature, of the rich, maritime, commercial, and manufacturing Great Britain are to be adapted to our poor agricultural Prussia.

What a hurry he was in to come out with his views! The moment he reached Memel, came the extorted Edict, allowing every one without distinction to buy a knightly estate and on the other hand the nobility to practise any civil trade. A regular abolition, or one would prefer to say, humiliation of the noblesse is altogether repugnant to the spirit of our Monarch and our people. Will the grocer or tailor who buys the estate, or the speculator who is thinking of his profit and is already meditating a new sale, will he too stand by his monarch in misfortune with land and life? Will the new lord keep his peasantry faithful along with himself, though they received him no doubt at the gate with the most sheepish bleating, as the old landowner did, who ruled in his village over hearts with love and loyalty? As to the so-called slavery of the peasantry, we all know that that is mere philanthropic twaddle.

In the end it comes to this, that a landed property is to become like a dollar in money, multiplying itself by circulation, so as to furnish something to the state by stamp duties. No paternal idea after the King's heart! This sort of thing could only be hatched in a banker's office or by a Professor who teaches in the lecture-room an ill-digested Adam Smith. Unfortunately this kind of trash has taken possession of the great genius our Minister. Indeed it is evident how it comes in from all sides like a flood and what they begin to

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propose in their clique. We have already heard the democratic absurdity of appointing to all public offices by a popular vote.

But how is the fair land laid waste with this huckstering system! Even the royal domains, which they want to alienate and put the King upon a salary, are not spared. The speculator who acquires an estate thinks only of the present; he will hasten to fell the beautiful oak and beech woods because they do not bring in so much profit as wheat-fields. But years hence the wind will blow the distant sand-hills over the wheat fields, and instead of rich green woods rejoicing eye and heart, we shall look on dry buckwheat, most meagre of corn-crops. Those old trees of our country will become foreigners and make way for birches and American poplars, which grow faster: the fir woods they will allow to pass, since we cannot do without building-timber and fuel, and the wood-stealers too cannot be allowed to starve.

Another hobby that the Minister rides is the population. Out of the family of every respectable citizen and master artisan who employs a number of apprentices whom he supports and keeps under moral discipline, a number of small families is to issue, every prentice marrying his lass and founding a new family of starvation. In like manner in the country, where they want to dissolve all the great estates into small ones, and dividing every inheritance, form a number of small garden plots or at least cottier holdings for every well-to-do noble owner or peasant on the great scale. If only the fine large villages could dwindle into such little holdings and the free countryman run a hedge round his acre or two and shoot his game within that area, the ideal they aim at would be realised. They are quite right in their calculation of the progressive growth of population, but is not such multiplication of beggary—why, we ought to be thankful that we have not that kind of thing like France and England!—is not it like the vermin that is bred out of wood-shavings?

Then this violent abolition of all menial services of the peasants without any compensation to the land-owner. How that will set the Estates quarrelling, and what an advantage it will give the enemy! To carry it out literally however is impossible. Without modification it would be a real infringement of property. Frederick William III. is assuredly not disposed to take the *suum cuique*, fundamental principle of all Prussian Kings, out of the star of his order and put St. Crispin in the place of it.

The Minister's object is well enough understood. He wants to show the peasant an Eldorado in the distance. To enjoy it, all that it necessary is to drive the French out of the country. It is of a piece with his secret associations in Germany which Napoleon has already got wind of, and which indeed we should not blame him for if only at the present moment he did not compromise the King with them. But to a Prussian Minister of State the King's person and the safety of his house ought to take precedence of everything; besides, he mistakes the character of the Prussian peasant if he thinks he would do anything without his King's command and without great battalions that prove the matter to be serious: then he falls into his place and will hit out, no doubt, even at those who are quartered upon him: still the French have Argus eyes. For a Sicilian Vesper or war in the Vendée fashion the

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German is not at all suited. Besides in our flat land how could anything of the kind be possible? In our present circumstances the wisest and safest course is quietly to watch the course of political relations, and it is real folly to provoke the enemy at our own risk.

Such talk was heard at the Perponcher Club of Königsberg, where the Prussian Fronde met and Yorck was listened to as an oracle.

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PART V.

MINISTRY OF STEIN.—CONCLUSION.

And here I do desire those into whose hands this work shall fall, that they do take in good part my long insisting upon the laws that were made in this King's reign; whereof I have these reasons: both because it was the pre-eminent virtue and merit of this King . . . but chiefly because in my judgment it is some defect even in the best writers of history, that they do not often enough summarily deliver and set down the most memorable laws that passed in the times whereof they write, being indeed the principal acts of peace. For though they may be had in original books of law themselves, yet that informeth not the judgment of kings and counsellors and persons of estate so well as to see them described and entered in the table and portrait of the times.—BACON, *History of King Henry VII.*

CHAPTER I.

LEGISLATIVE REFORM.

IT is impossible not to see that the legislation begun by Stein and afterwards continued by Hardenberg was similar in its durable results to the work of the French Revolution. It accomplished changes of the same kind and comparable in extent, though by a perfectly regular process. We may imagine that if, when Turgot was Comptroller General, the privileged classes of France had been too much terrified by the effect of some disaster to resist his innovations, or the King had stood by him as Louis XIII. stood by Richelieu, the transformation in France would actually have taken the same course; what is now called the French Revolution would have appeared simply as the Ordonnances of Turgot,

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and in place of the Napoleonic period Europe would have seen only a great revival of French influence in the happy later years of Louis XVI. and in the glorious reign of Louis XVII.

Thus the Emancipating Edict answers to the Fourth of August, and the Administrative Reform to that part of the Constitution of 1791 which proved durable, while the Military Reform was avowedly suggested by the organisation of the armies of the Revolution. If Prussia did not at this time go so far as France had done, in creating parliamentary institutions, the French attempt ended in failure and practical absolutism was restored in France under Napoleon. In their Code the French followed the example set by Frederick. To the revolutionary law of inheritance the Stein-Hardenberg movement produced nothing similar; on the other hand France produced nothing similar to the Town Ordinance of Stein.

This general resemblance implies that the old regime in Prussia was in the main like that of France, that the country suffered from evils and abuses of the same kind. Nevertheless there are differences to be noted as well as resemblances, and perhaps there is no easier way of getting a general view of Stein's work than to compare it with the parallel transformation in France, which has been so much more studied and is so much more generally understood. In particular points the comparison has already been instituted as occasion arose; but it will be convenient in this place to draw it out more deliberately.

In both countries then the King was absolute, and so far there was resemblance. But what was monstrous and immoral in the absolutism of France was not to be seen in Prussia. In France it was the accepted maxim, even after the accession of Louis XVI., that the country belonged to the King as a landowner's estate belongs to him.* The "enormous creed of many made for one" was still openly

* See the passages cited by Taine, *Origines de la France Contemporaine*, Vol. I. p. 102.

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preached there, and thus every year heaped fresh fuel on that furnace of revolutionary frenzy which burns wherever such doctrines are received. But in Prussia the so-called rights of man were theoretically acknowledged, and by none more fully than by the despot himself. In the Code of Frederick, commenced in 1746 and after long suspension recommenced in 1780 and published in 1791, it was laid down that

> The good of the State and of its inhabitants in particular (insbesondere) is the end of the civil association and the universal object of the laws. The Head of the State, on whom falls the obligation of furthering the public weal, is entitled to guide and determine the external actions of all the inhabitants in conformity with this object. The laws and ordinances of the State may not limit the natural liberty and rights of the citizen any further than the above-mentioned object requires.

It is expressly stated that it is in order to perform his duties to the public that certain revenues are assigned to the Prince, and that the domains belong to the State, though the administration of them rests with him. So much for theory; in practice, as we have repeatedly observed, the difference between French and Prussian absolutism was equally striking. Even Frederick William II., though wasteful and vicious, can hardly be classed with thoroughly bad kings, whereas both Louis XIV. and Louis XV. had systematically sacrificed the public interests to their own. If it were allowed that absolutism is in certain cases a necessary form of government, it could not be denied at the same time that the Hohenzollerns had on the whole performed the duties which absolute sovereigns owe to their subjects in an exemplary manner.

In both countries again there were privileged classes, and in both countries the Revolution was in a great degree directed against their privileges. But in this point also the difference was remarkable. In France the noblesse, though left in the enjoyment of their privileges, were carefully excluded from all real share in the government. The complaint against them was, not that they had too much power, but

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that they had privileges without power. It was as sinecurists that they were attacked, not as doing too much, but as doing nothing while they enjoyed and consumed so much. Sieyes in his *Qu'est-ce que le Tiers Etat?* insists particularly upon the uselessness and isolation of the noblesse. "It is impossible to say what place a privileged corporation should take in the social order. It is like asking what place in the body of an invalid ought to be assigned to the malignant humour which weakens and racks him." Nothing similar could be said of the Prussian noblesse. They were not a class cynically devoted to enjoyment at the expense of the public, nor were they excluded from a share in the government. On the contrary the army was officered by them almost exclusively, and the principal posts in the civil service were also confined to them. Whereas in France the bureaucracy governed while the aristocracy lived in idleness, in Prussia bureaucracy and aristocracy were in the main identified. And if in both countries the spirit of reform attacked the noblesse, it was not for the same reason in Prussia as in France. In France they were attacked for not governing, for doing nothing; in Prussia for not governing successfully, for having had all the power of the State and particularly of the army in their hands and having brought the State to ruin and the army to ignominious defeat.

Again there was a bureaucracy in Prussia as well as in France, but it is of much importance to distinguish accurately in what sense. Official government is often opposed to aristocratic government; in the language of old Marquis Mirabeau the natural enemy of the great races is "l'animal armé d'une plume." Nevertheless it is possible, as was shown in Prussia, to form a bureaucracy out of an aristocracy; the animal armed with a pen may be himself a scion of some great race. The administration of Prussia, though aristocratic, formed a bureaucracy because it formed a separate profession with an exclusive professional feeling, and because it was responsible to no opinion outside itself, scarcely even to the judgment of the King. It was liable to

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all those faults of torpid routine and inveterate incorrigible corruption which mark bureaucracies everywhere. The lethargy, mediocrity and corruption of officials are a standing topic of Cabinet Orders during the earlier part of the reign of Frederick William III., and it was confessed by the best-informed Ministers that the evil could be checked by no authority. Stein's predecessor Struensee had been reduced to a sort of inertness by his sense of the invincible nature of this corruption. When in 1797 a certain Held published a furious attack upon two leading Ministers for their proceedings in the newly annexed Polish provinces and was in consequence condemned to eighteen months imprisonment, Struensee, who was his friend, reminded him of what had befallen his own brother in Denmark, and added:

> The supreme Power is much less strong than is commonly supposed, it is afraid to expose or punish the delinquencies of those whom it clothes with its authority, because it fears by so doing to weaken the feeling of respect for Government in general. From its position it can take no notice of the worst acts of its officials so long as forms are observed, and it must punish as a crime the most righteous act of a virtuous man if it offends against forms.

And on the same occasion Count Schulenburg asked Held,

> How could you attempt such a thing, or hope to accomplish what is quite beyond *me*? All that depends on personal, relations that you know nothing of. Private attempts to expose public frauds cannot succeed if only the Government makes up its mind to take no notice of them.

The King himself said to Massenbach in 1801 in reference to a book on military reform which Massenbach had laid before him, that he had found some of the ideas excellent and well worthy to be adopted. "But," he added, "you would not believe what hindrances are put in my way when I wish to make any alteration." That unintelligent ponderous obstinacy, that somnambulism, which marks the action of great corporations, and which when it seizes upon

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a government marks that Government also has become a corporation, and is called the bureaucratic spirit, is evidently pointed at in observations like these.

The old regime in France, it has been repeated to satiety since De Tocqueville's time, was of the same bureaucratic kind. "I could not have believed what I saw when I was Comptroller General," said Law, "the government of France is in the hands of some thirty intendants."

Thus there was resemblance between the two countries in that which is the essential character of a bureaucratic government. That is, in both countries officials acted not in accordance with fixed and known laws but in accordance with *instructions* received from superiors. Nevertheless there was a considerable difference in the spirit of the two bureaucracies. That of Prussia was much less arbitrary than that of France. It was guided by a fixed administrative tradition which had been even in part reduced to writing, while in France "the administration habitually meets the difficulty of the moment by exceptional rules, which sometimes abridge sometimes enlarge existing rights, which take them away, then give them back, then take them away again." Moreover the administrative tradition in Prussia was not purely despotic but partly shaped by the local boards who were subject to it; it adapted itself in some degree to the peculiarities and established customs of particular provinces.

It is well known that in France this bureaucratic form of government was not regarded as among the abuses of the time. So far from assailing the system the Revolution adopted and developed it with such energy that for a long time it was the custom to speak of the administrative centralisation of France as an achievement and among the most glorious achievements of the Revolution. Something similar now happened in Prussia. We have observed all along that the plan which lay nearest to Stein's heart was such a reform of the administrative hierarchy as could not fail to increase its power and therefore to strengthen the

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yoke of centralisation in the country. This was pardonable because a strong Government was wanted for immediate needs, and because the administration in Prussia, if in a sense omnipotent, was at the same time extremely inefficient. One reason of this was the confusion which Frederick the Great had caused by his over-busy and arbitrary energy. Another was the unconsolidated character of the Monarchy, composed as it was of provinces locally divided and differing widely from each other in their condition and in the length of time that they had belonged to the Monarchy, some being Slavonic, some Teutonic, and again some belonging to the ancient possessions of the Hohenzollern family, and others recently added to the Monarchy by Frederick the Great. The confusion they caused in the administration was such as to call imperatively for reform if catastrophes like that of 1806 were to be avoided for the future; and accordingly Stein reformed and strengthened the Prussian bureaucracy. But he was not insensible, as the French were, to the faults of bureaucratic government. On the contrary he was keenly alive to them, and in consequence the Stein legislation includes one great reform which has no parallel in the French Revolution. While with the one hand Stein strengthens bureaucracy, with the other he lays the foundation of that system which is the enemy of bureaucracy, viz. self-government. He did this by his Municipal Reform (Städteordnung).

What has been said above of the moral superiority of the royal Government in Prussia carries with it by implication another important difference between the two countries. The worst point about the old regime of France was its finance; more directly than anything else this was the cause of its ruin. Fifty-six violations of the public faith since the reign of Henri IV. and upwards of a milliard and a half borrowed in ten years under Louis XVI. drove Necker to summon the States General as the only way of giving the Government credit enough to enable it to go on borrowing. There was nothing similar to this in Prussia. When we call

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Frederick William II. wasteful we are comparing him with the other Hohenzollerns; in a French King his expenditure would have been moderate. Prussian finance was as respectable as that of any Government could be, and had not the country been so poor and the army so large there would never have been any difficulty on this head. But yet, as we have seen, Stein's legislation was caused no less than the French Revolution by financial distress. The disasters of the war and Napoleon's exactions caused the same distress in Prussia that had been created in France by the demoralisation of Government. The difference was that the royal bankrupt in Prussia got his certificate without difficulty. There was no stain on the character of Government, and consequently little bitterness poisoned the Revolution that followed.

Religiously, Prussia had what in such a crisis was the incalculable advantage of being a Protestant country. This means that she was self-contained, and could adopt whatever measures seemed right to herself without asking the consent of any extraneous power. She had no *prêtres insermentés* such as those who had so large a share in giving to the French movement the unfortunate turn it took.

Socially, in the relation of classes, the distribution of property, the condition of the lower orders, Prussia differed from France in all the results of the military system of the Hohenzollerns. This system, while it saved the noblesse from falling into a frivolity fatal to their privileges by giving them an important function, protected the peasantry not indeed from hardship but from neglect. The peasantry was the army, and therefore, though it had much to suffer, yet the military necessities of the State had compelled the Government to show a constant solicitude for its welfare. In the end, as in France, the peasantry of Prussia became proprietors, but not in the same way. In France, by some almost inexplicable thrift, and partly through their masters' perpetual need of money, they contrived at the very time that they were pressed to the ground by unjust taxation to

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get possession of a large part of the soil of France; in Prussia they were put in possession of it by direct legislation, in this case principally the legislation of Hardenberg.

The resemblance between the Stein-Hardenberg movement and the French Revolution is confined to their results. In the manner of the two movements there was the greatest possible difference. The changes in Prussia were so quietly made and have had so little fame that this book is actually the first in which it has been seriously attempted to give a full and connected explanation of them to other nations. The French changes were made amidst incredible tumult and excitement, so that the innovations themselves have always seemed far less important than the revolution in opinion and feeling that accompanied them. A whole nation threw itself into political speculation and, as might be expected from its inexperience, misapprehended the subject so as to produce a spurious system of *meta-politics*, but at the same time to give the greatest stimulus to political thought in all nations. No intellectual excitement in any degree similar seems to have either accompanied or followed the Reforms of Prussia. After the Peace of 1815 such an excitement does indeed arise in Germany and leads to precisely the same aberrations, but it is caused not by the Prussian Reforms but by the War of Liberation, and is less active in Prussia than in the countries of the Confederation of the Rhine.

This difference is perhaps partly to be explained by those differences between the condition of France and Prussia which I have noted. The old regime of France falling in time of peace under the weight of enormous abuses and injustices was a spectacle which could not but open every question in political science at once. In the condition of Prussia there was nothing that was so cryingly unjust or wrong. Her downfall was easily explicable and opened no new question. It was all explained by Jena, and the problem which it presented was only the old one which

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had occupied Frederick William and Frederick the Great, how to defend a very poor country that wanted a frontier.

In consequence of the tranquil manner in which the transformation was made in Prussia, those results which in France can only be ascertained by a comparison between the state of society after the conclusion of the revolutionary movement and that of the old regime, are perceived here simply by referring to the Edicts and Cabinet Orders of Stein's Ministry. The work appears at first sight as threefold, consisting first of the great social statute which has been examined above, secondly, of the reform of the administration, and thirdly, of the introduction of self-government into towns. But under these three heads many minor reforms, also accomplished by Stein, come to be classed. In enumerating them, we are at once reminded of the double character that was before noticed in the Emancipating Edict, for we come upon two distinct series of reforms which may equally be regarded as supplementary to that Edict. The first series deals with the emancipation of the peasantry, the second with the liberation of trade.

(1) Not to exhaust too soon the reader's curiosity, I confined myself above to a translation of the Emancipating Edict and an attempt to state precisely what it accomplished. Now that we are brought back to the subject, the condition of the peasantry in Prussia at that time must be noted more particularly than has hitherto been found necessary.

Feudalism then still reigned in a much more literal sense than that in which we sometimes describe it as still surviving in England. With us the custom of primogeniture and the jurisdiction given to landowners in county government, make a system which may be called feudal as compared with the French system, but it is a faint shadow of the feudalism of the old regime in Prussia. In order to picture that to ourselves, we must begin by observing that under it the country was divided not into ordinary English estates but into *manors*, with all that manorial organisation which has become rare in England, with copyholders, commons

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and manorial courts. But further, we must imagine the manorial organisation to be of a much more primitive type than it has been among us for many centuries. Beside payments in money, the peasants paid to their lords dues in kind and, where they were serfs, personal service. Their condition varied within very wide limits according as they were exempt from personal service or as the personal service and dues owed by them were definite or indefinite. But all alike were subject to the great law of caste, which fixed their position both for evil and for good, forbidding them to improve their *status* and securing them against loss of their land.

The Emancipating Edict had by no means abolished this state of things. It had neither converted the peasantry into labourers or farmers of the English sort, nor into proprietors as in France. The peasant neither ceased to pay dues and services to the lord, nor did the lord acquire the right, except in certain circumstances, of converting to some other use the land occupied by the peasant. But the Edict abolished in the first place the *status* of the peasant, and turned his occupation into a mere voluntary way of making a livelihood. Secondly it abolished what we call serfdom, or Gutsunterthänigkeit, after a certain date. This innovation, though it strikes the imagination most, is not the easiest to understand. In what precisely does this Erbunterthänigkeit (also called Eigenbehörigkeit, Gutspflichtigkeit, Leibeigenschaft, for there seems no definite difference in the meaning of these words) consist? The matter would be simple if services were commuted by it into money payments, but services continued to be rendered as before. The Edict says that all obligations incurred by free persons in virtue of the possession of a piece of land or of a particular contract are binding as before. If this means that there must be a contract but that every contract is binding, what does it enact which was not already enacted in the earlier articles of the Edict which relate to free choice of vocation? It seems however that a particular kind of per-

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sonal service is understood to be forbidden by the abolition of serfdom. Thus Stein himself describes it when he says:

> By an Edict of October 1807 it was enacted that from October 8th, 1809, personal servitude with its consequences, in particular the very oppressive compulsory menial service, should be abolished.

The innovation made by this Edict seems to us now a mere step in the transition by which the Prussian peasant became a proprietor. In 1811, when Hardenberg was Minister, a new Edict was issued entitled an Edict for the Regulation of the Relations between Landlord and Tenant, by which the peasant became absolute proprietor of his holding, the lord being indemnified for the loss of his dues, services, dead stock, easements, &c., by receiving a proportion of the peasant's land (one third in the case of hereditary holdings, one half in the case of holdings for life or for a term of years or at will) and by being freed from certain obligations such as the obligation to assist the tenant in case of misfortune. Thus was founded the peasant proprietorship of modern Prussia. It would appear that Stein when he signed the Emancipating Edict had no notion that this would be the end of the movement he commenced. He disapproved Hardenberg's measure as "disturbing in a mischievous manner the family relations of the peasantry." Perhaps we are to suppose that he contemplated assimilating the agrarian organisation of Prussia rather to the English than to the French model, and wished rather to purify the relation between the noble and the peasant class than to bring it to an end. But we are now to observe that he took other measures with respect to the peasantry which may be thought to have paved the way to Hardenberg's great innovation.

Beside the manor there is another institution, slightly known to us in England, which we are to think of as very important in Prussia. The Forest of Dean and Dartmoor are managed on different principles from ordinary estates,

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because they belong the one to the Crown, the other to the appanage of the Prince of Wales. This would be a most important fact if those estates covered half England. Such was the case with the domain lands of Prussia. In the immense estate of which the King was landlord, it was at any rate impossible to realise the English ideal. There no close personal relation could subsist between the peasant and his lord, and the peasant's claim to the lord's assistance in distress must have worn an unfair appearance when the assistance came from the Government and was partly drawn from the public taxes. Accordingly we find, as had been the case in France in Necker's time, that a special course of legislation is applied to the domain lands, sometimes anticipating, sometimes diverging from the agrarian legislation applied to the whole country.

The Emancipating Edict says, (§ 12)

> There shall be none but freemen in our dominions, as is already the case in our domains in all our provinces.

Very strangely, this statement seems to be incorrect. In the domains of the Kingdom of Prussia (strictly so called) serfdom had been abolished by Frederick William I., but not in those of the King's other states. Accordingly on October 28th, 1807, that is nearly three weeks after the Emancipating Edict, appeared a Cabinet Order abolishing it on the other domains and mentioning particularly as abolished menial service and the payment of a fine on quitting a peasant's holding (Loskaufsgeld). This Order, though appearing later than the Emancipating Edict, was to take effect sooner, viz. from June 1st, 1808.

But a new question now arose. It is to be remembered that the distress created by the war was the immediate cause of the anxiety of the Government to ameliorate the condition of the peasantry. Now this distress was greatest in those Prussian provinces where the abolition of serfdom brought least relief, because on the Domain lands of these

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provinces serfdom had been abolished long before. Accordingly the suggestion was now made of granting to the (so called) immediate peasants of these provinces full rights of property in their holdings. An anonymous memorial containing this suggestion was received by the Government on December 12th, 1807. In Stein's opinion the author of the memorial was probably a certain official of Marienwerder named Wloemer. It represented that though this class of peasants had a hereditary right of possession, yet they had no power either of pledging or selling their land. The want of credit made enterprise impossible to them, kept the standard of cultivation and of comfort low, and forced them to apply to the State for assistance whenever misfortune fell upon them. They now, in the ruin which has fallen upon them, expect from the State far more than the State is in any condition to give. The scheme of giving them their holdings in full property has been entertained before, but it was connected with other innovations which frightened those who were to benefit by it, and in consequence nothing has been done. This is the time for reviving it in a simpler form.

The proposal was referred to the Minister for the Province, Schrötter, also to three leading officials of the Province, Auerswald, Dohna and Broscovius, and thirdly to the Immediate Commission. Three reports containing three or indeed four different schemes were laid before Stein. All agreed in recommending that the concession should be made to the peasants; the disagreement concerned only the equivalent which the State was to exact. Stein's decision is given in a report dated Königsberg, June 14th, 1808.

He begins by stating that the class of peasants whose interests are concerned may be estimated at not less than 47,000 families. He then describes in a summary manner the different schemes, and observes that the points at issue are (1) whether the grant is or is not to be accompanied with burdensome conditions, (2) whether the legal rights of the immediate peasantry are to be respected, (3) whether

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beside the primary object of the proposal other objects are to be kept in view, in particular the breaking up of commonalties and the supplanting of the poorer class of peasantry by cultivators possessing more capital.

It is here to be noticed that another feature of the Prussian land-system which the English reader does not readily apprehend, because it was almost erased from our own system by the great enclosure movement of the sixteenth century, is this, that peasant holdings were not isolated but universally united in commonalties. The economical school among Prussian officials were naturally almost as eager to rid the cultivator of the yoke of these commonalties as of the feudal oppression of his lord. The report of Broscovius drew out a scheme for dissolving these commonalties in the same act by which the peasantry should receive property in their holdings. It appears to be to such schemes that Wloemer in his memorial had referred when he described the peasantry as frightened by the magnitude of the innovation. Stein, following the Minister v. Schrötter, pronounces against this scheme as attempting too much and deferring the benefits to be obtained from the reform to too late a time. In his comments on the scheme of the Immediate Commission, of which it will be remembered that Schön was a member, we see just such a controversy as Niebuhr had dreaded when the Emancipating Edict was under discussion. The Immediate Commission had proposed that all assistance to the peasants should cease at once, and that all those peasants who could not restore their holdings without such assistance and pay their dues on the legal date should be evicted. In this way a richer class of peasants would be created, and to these the property in the holdings might be granted in return for a money payment. The peculiarity of this scheme is that it would cause what was intended as a measure of relief to wear all the appearance of a new affliction. Stein remarks upon it that in the general impoverishment it would lead to the eviction of a large number, and moreover that the place

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of the evicted would probably not be filled up. But he observes also that it treats the peasant as if he had no legal rights, whereas he has a right to the *status* he has inherited, and accordingly "it is unjust without any compensation to expel him from his holding, if he refuses to pay the money exacted for the concession and to renounce the subventions, and if he fails to pay his dues by the day."

There remains the scheme of Minister v. Schrötter. By this the Government, in return for its concession, would cease to pay subventions and would resume a number of privileges hitherto enjoyed by the Immediate Peasantry, such as the right of grazing cattle in the royal forests. He estimated that the gain to the treasury thus obtained would amount to 100,000 thalers annually. The services and payments in kind due from the peasants were to be commuted into money and added to the rent. Of the total, a fourth part was to remain as land-tax and the rest to be redeemable in thirty years. If any peasant should decline this arrangement, his holding was to be sold publicly and the price given him as compensation.

Stein accepts this scheme in outline, quoting historical authorities to show that a right of property had belonged to the peasant in the Middle Ages. He adds: Government measures by which in the present exhausted condition of the rural population a great part is expelled are unjust; they disturb cultivation, since they increase the burdens of the cultivator who remains, and leave without owner a great part of the property of those who leave. It is no doubt desirable that cultivation should be in the hands of well-to-do possessors, but this is to be sought from the advance of well-being and the free use of property introduced by the Edict of the 9th October and not from any sweeping measure.

But he modifies Schrötter's proposal by continuing the Government subventions for two years, that is for 1809 and 1810, as an act of royal grace, and in order to give the peasants time to repair their holdings.

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Upon this report a law was draughted by Schrötter, and after receiving the criticism of Stägemann and of Stein himself was revised and presented again on July 23rd. It received the royal assent and became law on July 27th; a law which, in the opinion of Stägemann, was

> one of the most cheering signs of the times for the agriculture of our provinces, the dawn of a golden day upon economical darkness, and a new creation rising out of the ruins of the destructive war: never had any public measure been taken which had more happily or more beneficially united the private happiness of many families with the interest of the State.

(2) So far was carried in Stein's time the work of redemption of the peasantry commenced by the Emancipating Edict; meanwhile the liberation of trade which began with the same statute advanced steadily throughout the year 1808.

It is to be observed that this reform, like the other, had to commence at a point which with us was left behind so long ago that we have a difficulty in realizing it. The impediments to industry which we have in view when we speak of free trade are all of an indirect kind. They consist in duties levied by the State with the professed object of obtaining revenue; even when they are in effect prohibitive they are not so nominally. A direct interference of the law to prohibit any industry not in itself noxious is so unknown to us that we scarcely conceive the possibility of such a thing. Now the Emancipating Edict was the greatest measure of free trade, although it removed no duties, because it abolished not indirect impediments to industry but direct imperious prohibitions of it. But when these prohibitions were repealed, when caste was abolished in Prussia and permission was given to every Prussian citizen to pursue any occupation he might choose, it is evident that the battle of free trade was far enough from being won, and that it was but barely commenced, since it remained to sweep away all the indirect impediments placed in the way of industry by the laws. These were not likely to be found few or trifling

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in a country where the system of government tutelage had reigned so long undisputed and where Frederick the Great had so recently incurred Mirabeau's criticism by the blind tenacity with which he had clung to the Mercantile System. In this instance also Stein could do no more than show the way to Hardenberg, whose legislation of October and November 1810 and of September 1811, first dealt comprehensively with the whole subject. But the following commencements of reform were made by Stein.

(*a*) Abolition of the Royalty on Millstones (Mühlsteinregal). Both the manufacture and the sale of millstones had been for a long time a government monopoly. The strictness of this restraint had been modified in 1802. It was now (January 23, 1808), abolished, again on the proposal of Schrötter, for the two Prussian Provinces. The abolition was meant to be afterwards extended to the rest of the Monarchy, but this was not actually done till March 20th, 1809, that is, after Stein's retirement.

(*b*) Abolition of the Exclusive Right of Building Mills (Mühlenzwang). By an Edict of March 29th, 1808, it was decreed for the Provinces of East Prussia and Lithuania together with the districts of Ermeland and Marienwerder, that this should cease from December 1st, 1808, with compensation to those deprived of it. This innovation was extended to the rest of the Monarchy by Hardenberg in 1810.

(*c*) Abolition of the Exclusive Right and Trade-monopoly (Zunftzwang und Verkaufsmonopol) of the Guild of Bakers, Slaughterers, and Hucksters. October 24th, 1808. This was also confined to the Provinces of East and West Prussia and Lithuania. After similar Edicts had been passed for some other trades, the principle that no corporation or individual should have the power of closing a trade against any one was laid down for the whole Monarchy in Hardenberg's Edict of November 1810. It is to be observed however that it was only the exclusiveness of guilds, not guilds themselves, that Stein disapproved of. On the con-

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trary corporations of this kind, bearing the same relation to trade that Orders of Knighthood bear to war, rather pleased his fancy and he desired their continuance and the protection of them in the possession of their corporate property.

Hitherto we have enumerated reforms which were supplementary to the Emancipating Edict. It is time now to speak of innovations of greater magnitude, which stand on a level with the Emancipating Edict itself.

CHAPTER II.

ADMINISTRATIVE REFORM.

OF the other two great reforms of Stein, his Municipal Reform and his Reform of the Administration, it might seem reasonable to describe the former first, because he completed it before he left office, whereas the other was left incomplete. In fact however it is convenient to give precedence to the reform of the Administration, because it was taken in hand earlier, and because a provisional reconstruction was effected early in the summer of 1808 which, as it marks the recommencement of legislation after Stein's return from Berlin, ought not to be spoken of out of its chronological place. According to Schön he slumbered for several months after the great effort of the Emancipating Edict, being dragged down by the people who surrounded him, but roused himself with a great effort when he clearly perceived the feebleness of these advisers, and then created the General Conference. This assertion, made by one of his coadjutors only a few months afterwards, seems to show that the creation of the General Conference at the beginning of June marked some sort of recommencement on Stein's part. But what Schön describes as inaction appears to be simply the necessary pause in legislation which was caused by his absence in Berlin between February and the

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end of May, and as to the explanation Schön professes to give of this inactivity it is of a piece with the rest of Schön's explanations. The reader will already have noticed how much Stein's reforms owed to the Minister v. Schrötter, upon whom indeed, as presiding over that province of Prussia the distress of which was the immediate occasion of most of the reforms that were proposed, an exceptional share of responsibility necessarily fell. Yet among the inferior spirits whose influence paralysed Stein's genius, Schön expressly names Schrötter, besides Stägemann, whom he elsewhere mentions with much admiration. It is also to be observed that when in 1809 Schön described Stein thus as a powerful spirit depressed for a time by the influence of inferior society, he cannot have foreseen that some thirty years later it would please him to describe the same Stein at the very same time of his life as a person of common and prejudiced views raised for the moment above himself by the influence of superior society!

On the 7th June then, that is just one week after his return to Königsberg, Stein, not awakening out of a lethargy but leaving behind him diplomacy to take up legislation again, and deciding with the same rapidity which he had shown on his first arrival in the October before, laid before the King a plan of reconstruction of the Administration.

There was indeed nothing strange in this rapidity, for the subject was more completely familiar to Stein's mind than any other. It has been shown above that he had been occupied with it in his retirement at Nassau and that it was the reform which in taking office he was most bent upon effecting. If he allowed only five days to pass after receiving his powers before he issued the Emancipating Edict, he had been still more prompt in setting about his Administrative Reform, for the scheme of this was laid before the King on October 2nd, that is two days before he received his powers. But the question was not so ripe for settlement as that of the emancipation of the serfs. It was necessary to compare his own scheme with that of Hardenberg, which

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was already in the King's hands. In November and December he kept the subject before his mind, and had communications upon it both with Hardenberg and the King. Upon the outlines of the change to be made there was agreement, and yet little progress was made. To get rid of the French and to reform the Administration seem, as we have observed, to have been the two notions which Stein had in his head when he first reached Memel. When he found how much longer than he had expected the French were likely to stay, it was natural that he should admit the necessity of delaying the Administrative Reform. Until the French were gone the country could only be administered on a provisional system, and he did not seriously set himself to arrange even this provisional system until he had made up his mind at Berlin that nothing but necessity would induce them to go.

It must not be supposed that this Administrative Reform because it was left unfinished by Stein remained unrealised, and is a matter only of speculative interest. His views prevailed, though not till after his retirement. "Stein," says v. Rönne, "became the creator of a new organisation of the State, which on the whole has remained in effective working till the present time, and out of which has grown what has since distinguished the internal Administration of Prussia advantageously from that of other countries." As of all the innovations of this period it is that which bears most conspicuously the mark of Stein's hand, so it may be doubted whether it is not that which is the most valuable, or at least that which except the Military Reform shows most distinctly the skill of the organising genius. We must also not omit to observe its immense magnitude. As the Emancipating Edict was a kind of reconstruction of society, so was this a reconstruction of government. It was not indeed Stein's fault that it was not much more. Beside the machinery of administration he was prepared to create the machinery of popular control, all those parliamentary institutions which the country did not actually succeed in obtaining but through the revolutionary shocks of 1848. Of this part of the scheme

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only a fragment remained, the Municipal Reform. But if we exclude even this, what remains may well astonish by its magnitude those who are accustomed to the safe piecemeal reforms of England. What remains is a reconstruction of the whole Administration, not merely of the Ministerial Departments, but of the whole machinery of Local Government throughout the country. As the Emancipating Edict was Prussia's Fourth of August, this Reform may be compared to that legislative work commenced by the Constituent Assembly and completed by the Consulate, by which Departments took the place of Provinces, Provincial Parliaments and Intendants constantly at war with each other made way for a systematic organisation, and the relations of the Ministry among themselves and to the Head of the Government were determined. It is no doubt only in moments of extreme public need that it can be safe or wise to change so much at once; but when, as in Prussia, such a moment arrives, the country is fortunate indeed which is able to make the change in such a manner that it shall not need to be made again, which can transform itself and then rest satisfied with its new shape.

In describing such momentous constitutional changes it is not wise to give too much importance to chronological arrangement. It may be convenient to quit the narrative form where distinctness and precision in the statement of results is so much more important than anything else. What was the state of the Administration before Stein, what changes he made, and how those changes have worked, this is what the reader will wish to know; by what steps the transformation was made and what provisional forms the Administration took during the process must also be considered, but these matters must be carefully kept in subordination.

It is fortunate that the narrative of Stein's rise through the official hierarchy and of his struggle with the influence of Beyme has given the reader some acquaintance with the

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administrative system which he reformed. I need not explain again what is meant in Local Government by a War and Domains Chamber, nor in Central Government by the General Directory or by the Cabinet. We know that those Orders in Cabinet, of which some have been given in full and which were sometimes called Immediate Decisions, did not receive the counter-signature of any Minister. We became familiar long since with the peculiar nature of the Prussian Cabinet, and with the abusive influence of the Cabinet Secretaries. The Privy Council of State we know to have fallen into abeyance, though still nominally subsisting. The General Directory, created originally by Frederick William I., we have observed to have shown a tendency to dissolve into a number of committees for particular branches of government, the Presidents of these committees assuming gradually the character of Ministers. We have seen how Frederick the Great had chosen to govern not through this Directory but alone with his Cabinet Secretaries. The consequence of this had been greatly to strengthen the tendency to dissolution in the Directory. It had now ceased to be the instrument of bringing the Ministers together and creating a common understanding among them, while at the same time other Departments had been created, directed by Ministers who had not even nominally a place in the Directory. The fatal defect of this system may be described in one word by saying that it exposed the country to fall into a condition in which there should practically be neither King, nor Prime Minister, nor governing Council. The government of Frederick the Great had been that of a King, but it required exceptional energy and experience, and that much more now than in the earlier days of the monarchy. Such government was impossible to Frederick William III., and the system did not allow him to devolve it on an able Minister. For the King did not deliberate with his Ministers but with those unfortunate Cabinet Secretaries of whom we have heard so much, and it is easy to see that the *amateur* suggestions of advisers who had

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neither responsibility nor official knowledge could not supply the place of statesmanlike wisdom either in a King or a Minister. Meanwhile the Ministers had so little understanding among themselves and were so far from being able to introduce a republican government by Ministerial Council, that Beyme has already told us that there was serious danger of "a war of all the departments against each other."

No doubt the King was under no obligation to lean in this way on his Cabinet Secretaries. The practice was a mere abuse, and might have been discontinued by Frederick William III. as easily as it had been commenced by Frederick. No one in fact could prevent the King from asking advice wherever he might believe the best advice was to be found. Thus at the beginning of his reign the King formally nominates Colonel v. Köckeritz to the position of his confidential friend, enjoining him to report to him the public opinion on all questions, to reprove him whenever he went wrong and all the more severely when his admonitions seemed to be ill received, and to be present at all deliberations. Instead of the commonplace Köckeritz had the King nominated Stein or Hardenberg to this post there would not have been so much need of administrative reform; or again without any reform the King might have resumed the practice of working in the General Directory. But the latter course required a great departure from routine; as to the former, the King had in fact already adopted it. When Hardenberg and afterwards Stein received dictatorial powers this change was actually made, and it was probably a more important reform than any of those which Stein now proposed. But both Hardenberg and Stein plainly felt the need of a council, and besides this their position was exceptional and could not be made permanent without altering the character of the Monarchy.

It will also appear a matter of course, when we consider the gradual and accidental way in which the Departments had differentiated themselves out of the General Directory, that the distribution of the functions of government should

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be full of faults and inconveniences. The earliest division of the Directory had been into five Departments, four of which governed each a quarter of the Prussian territory, while the fifth was a general Department of Justice. We see here a mixture of two principles of division, that which follows the nature of the affairs and that which is determined by place; the rational and local, or, as German writers call it, the provincial and real system. But as was natural at that early time the ruder provincial system predominated. During the reign of Frederick the Great it lost this predominance; the other principle was more and more adopted, as in the creation of that Mining Department of which so much has been said above. But neither principle was allowed decisively to prevail over the other, and we have frequently had occasion to mention the Minister for the Province of Prussia, whose office continued by the side of those of the Ministers of Finance and War. This confusion in the method of classification was the second great defect in the administrative system. By the collision between different Departments which it necessarily occasioned, it intensified the principal evil which afflicted the administration, its want of unity.

We pass from Central to Local Government. Here corresponds to the General Directory (the full title of which is General Supreme Finance War and Domains Directory) the War and Domains Chamber. The powers of these Chambers had been gradually enlarged so as to cover most of the area of Local Government, in some provinces extending even to ecclesiastical and educational matters. It is important also to take note of an official who acted as a kind of organ of these Chambers in the country districts. This was the Landrath. His office had originated in the Mark of Brandenburg, where in former times the County Estates (Kreisstände) had been in the habit of appointing a deputy to collect the taxes granted by them as well as for other purposes. This deputy had been gradually converted into a Government official and had been subordinated to the War and Domains

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Chamber at its creation in 1723, becoming at the same time a member of it. In this office lay the germ of a system of self-government, for the method of appointment was similar to that used in appointing our justices of the peace. He was nominated by the King on the presentation of the proprietors of knightly estates within the county. The agents of a Chamber for towns were Kriegsräthe and Steuerräthe.

The confusion and want of satisfactory classification which reigned at the centre of administration could not but be reflected in these local Chambers, and a reconstruction of these would necessarily accompany a reform of the Departments. But Stein finds a deficiency in these local institutions which does not strike him so much when he considers the central ones, he finds what we should call a want of liberty. He does no doubt desire parliamentary institutions for Prussia, still this want does not seem to him so pressing that in his criticisms upon the Ministerial Departments, the Directory and the Cabinet, he should think it necessary to say that these institutions cannot work satisfactorily unless a parliament is added. In speaking of local institutions, on the other hand, he does say—indeed he says little else—that the people themselves must be induced to take a share in public business. What we have before us in these reflexions of Stein is nothing less than the genesis of Prussian liberty, and it is not unimportant to observe in what way he is brought to feel the necessity of it. Not any instances of tyranny that he has observed, not any arbitrary or unjust imprisonments, though such undoubtedly he could remember, influence his mind. He expresses no indignation at the want of liberty in Prussia, he does not seem to think of it as a right unjustly denied to the people and calling for vigorous assertion on their part Indeed it rather strikes him as denied by the people to the Government, and as something which the Government must in sheer self-defence force on the people. For he remarks how much more cheaply Local Government could be conducted if the local proprietors would undertake the burden of it

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without pay, how much disaffection towards the Government would be spared, how greatly the spirit of monarchy would be revived, and how much the quality and prestige of Local Government would at the same time be improved. To the people also he thinks the change would be advantageous, but not so much because it would relieve them from tyranny as because it would "direct their energies to the common welfare and divert them from indolent sensuality or the spinning of empty metaphysical cobwebs or the pursuit of purely selfish objects."

Stein undertook to reform both central and local administration. On November 24th, 1808, which was the very day on which he laid down his office, the royal assent was given to an Edict "concerning the altered constitution of the supreme administrative Departments in the Prussian Monarchy." To become law it had still to pass through another stage, that of publication, and this it never did. A hundred copies of it were printed but not published, the new Ministers being not prepared to accept all the innovations which it contained. But on December 18th, and in the name of the new Ministers, was issued an Edict which is identical in the principal points.

The Reform of the Provincial Administration received not less attention. It was at first intended to be applied, like so many of Stein's reforms, only to the Province of Prussia, but after such a measure had been prepared the resolution was taken to extend it to the whole Monarchy. The work of revision thus made necessary was not completed till November 19th, and accordingly this measure also did not become law until Stein had ceased to be Minister. The Ordinance for an improved arrangement of the Provincial Police and Finance Boards bears date December 26th, 1808. These two Ordinances are the basis of the existing Administration of Prussia, and it will be seen that they are both substantially the work of Stein. In details, of course, the system which they created has undergone much alteration both in the time of Hardenberg and since.

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The first of these Ordinances (in the form which Stein gave it) offers a striking contrast in its length to the Emancipating Edict, the few and short paragraphs of which I was able to give nearly in full. It occupies fifty very closely printed pages in Pertz. I must endeavour to select the principal points. Here is the introduction.

It is decreed that a new arrangement of the administrative system, improved and adapted to the progress made by the spirit of the time, to the altered situation which external circumstances have brought about, and to the new requirements of the State, be introduced.

All arrangements up to this time existing in respect to the administration of affairs are entirely abolished.

The principal object of the new constitution is to give to the administration of affairs the greatest possible unity, energy and activity, to cause it to converge to a highest point, and in the simplest and most convenient manner to place at its disposal all the powers of the whole nation and of the individual. To this end the direction of the Government will henceforth proceed from a single higher point immediately subordinate to the Head of the State.

From this point not only will the whole be overseen but a powerful direct influence will at the same time be brought to bear on the administration. The smallest possible number of highest officials will stand at the head of Departments simply and naturally assigned to the principal branches of administration; in closest connexion with the Ruler they will guide the Departments according to his commands communicated to them directly, combining independence and free initiative with complete responsibility, and in this way they will work upon the administration of the lower organs, which will be formed in the same way.

The nation will receive a share corresponding to its true interest and to the end aimed at in the conduct of the Government, inasmuch as opportunity will be given to distinguished talent in every rank and situation to display itself for the benefit of the administration, and inasmuch as newly organised Estates of the Kingdom and their representatives will be summoned to deliberation alone or in conjunction with State officials, the former in Assemblies of Estates constitutionally formed, the latter in the subordinate organs of the State. In this way the development of the nation will be promoted, public spirit awakened, and the whole conduct of affairs made simpler, stronger and less costly.

A comprehensive programme!

The chief means of restoring unity to the administration is the creation or, we might say, the revival of the Council of State.

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This is to be under the presidency of the King or some Representative named for the purpose. It is to consist of (*a*) the Princes of the Royal Family who have attained the age of 18 years, (*b*) all the Ministers, (*c*) certain Privy Councillors; these are to be of various classes, for instance, any persons in whom the King may have confidence, past Ministers, heads of sub-divisions of the Ministerial Departments, particularly the Interior and Finance, Referendaries without vote, selected from the provincial governments, to form a political seminary (Pepinière).

This Council, like the General Directory, is to conduct ordinary business in Divisions, a Minister presiding. The Ministries are five in number, (1) the Interior, (2) Finance, (3) Foreign Affairs, (4) War, (5) Justice. But there is also to be a Cabinet composed almost solely of Ministers and presided over by any Member of the Council whom the King may nominate for that purpose.

But the Council also assembles as a whole (Plenum) under the presidency of the King or Member of the Council named by him. All legislation, all matters affecting more than one Department or questions in dispute between Departments, with a general control of the administration, as well as appointments to certain higher posts, and the accounts of the Ministers, are to be brought before the Plenum.

Then follows the organisation of the different Departments.

The Department of the Interior is sub-divided into (*a*) the Department of general Police, (*b*) the Department of Trade, (*c*) the Department of Cultus and Public Instruction, (*d*) the Department of General Legislation for Finance and the Interior, (*e*) the Department of Health, (*f*) the Department of Mining, Coinage, Salt and Porcelain Manufacture.

The Department of Finance is sub-divided into (*a*) the Department of Treasury, Bank and Lottery, (*b*) the Department of Domains and Forests, (*c*) the Department of Direct and Indirect Taxes.

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The Heads of these sub-divisions are in most cases also to be Members of the Council.

Such is the outline of Stein's scheme as contained in the Ordinance which received the royal assent but was not published. The Ministry which succeeded him however recommended the King to postpone the creation of the Council of State until his return to Berlin; it seemed to them a cumbrous machine. Accordingly in the actual law of December 18th, particular regulations as to the Council of State were reserved, though it was still spoken of as the great organ of administration. When Hardenberg in October 1810 legislated on this subject, the Council of State took a somewhat new character. In this scheme it retains the legislative powers which Stein gave to the Plenum of his Council, but loses its function of controlling the administration. In this new character it was realised, though not till 1817, and still nominally subsists, but has now little practical importance since the work of legislation now naturally belongs to the Parliament. Meanwhile a new body, the Ministry of State or collective assembly of Ministers, was created. Such an assembly is vaguely referred to in the Ordinance of December 18th, 1808. In Hardenberg's time it began its effective existence, and is now, in Mr. Morier's words, the real centre of the entire mechanism.

In this point then there has been a serious departure from Stein's idea. The administration gained no doubt as much unity as he intended, but not so much steadiness. Relieved from all control, "the Ministerial system acquired a growing omnipotence unknown alike to the French and English administrative system,"* and Prussia became "the country of Europe in which the Ministerial system was most decisively developed."** Even the introduction of a Parliament, a generation later, has, according to the same authority, in some respects increased instead of diminishing this centralisation.

* Gneist 83. ** Ib. 140.

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It may be well to warn the reader at the same time against the notion which is likely to occur to him, that this departure from Stein's plan was in the direction of the English system. Even now the Ministry of State is widely different from the English Cabinet.

The Prussian Minister President is functionally only the chairman of a Board. It is the Board which decides, by a majority of votes. Whenever therefore an important question, such as a new law or any other matter for which the Constitution requires the sanction of the Ministry of State in its corporate capacity, is brought before it, the Minister President runs the risk in common with each of his colleagues of being outvoted, without this in any way constitutionally altering his position or requiring his resignation. *

But in the absence of Parliaments such a Ministry of State, being utterly uncontrolled, would have scarcely any resemblance to an English Cabinet, which is only too rigidly and vexatiously controlled, whereas Stein's Council of State would have supplied a check upon the Ministers something like that which we find in Parliament.

Along with Stein's Council of State disappears his Cabinet. Something like the old Cabinet which had given him so much trouble in former days was revived in Hardenberg's time, and there exists even now an institution called the King's Privy Cabinet. Up to 1848 special Cabinet Ministers, who may remind us of Beyme, continued to be appointed. It has been already mentioned that v. Thile, who first brought to Stein the news of the attack upon him in the Moniteur, held this office under Frederick William IV. But the abuse of such officials keeping the Departmental Ministers at a distance from the King, was finally swept away by the provision in Article 44 of the Constitution of 1850, that the countersignature of a responsible Minister is necessary to every act of Government.

The Ministerial Departments created by Stein have been retained to the present day, and of all his administrative innovations it is this which most strikes the eye. But the

* Morier, Cobden Club Essays, 1875, p. 417.

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Ministers who now form the Ministry of State are eight in number instead of five. There have been added a Minister of Trade, Industry and Public Works, a Minister of Agricultural Affairs, and a Minister of Ecclesiastical, Educational and Sanitary Affairs. It will be observed that the change which has been made consists in raising into independent Departments what Stein, probably in order to keep his promise that the ultimate control should be in the hands of the smallest possible number of Ministers, had made subdepartments of the Ministry of the Interior.

The Ordinance defines with great precision the responsibility of each Minister and his relation to the King, to the other Ministers, to the Council of State, and to his subordinates. Many of the principles laid down were adopted in later legislation, though the creation of the Ministry of State in 1817 and still more the creation of a Parliament by the Constitution of 1850, changed those relations considerably. But however much might be changed in detail, rigid principle and precise definitions were once for all introduced where before there had reigned confusion and arbitrariness.

The relations of the Minister to his official staff seem to have remained much as Stein fixed them. The Minister has undivided responsibility, and the Councillors only consultative functions. But subdivisions of the Department exist, presided over by a Director whose subordinates again have only consultative functions, but on the other hand whose decisions may be reversed by the Minister.

Among minor institutions with which this great organiser has enriched his country, may here be mentioned the Statistical Office, which appears in his scheme under the head of the Department of the Interior. This had been created by him before the war, when he had the Department of Finance. A book on the National Wealth of Prussia, by a certain Leopold Krug, had suggested to him the advisableness of collecting and arranging the statistical information which was sent in to the Provincial Departments (then still

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existing) from the War and Domains Chamber. He proposed to create an office for this purpose and embodied his plan in a report, in which he estimated the cost of such an office and showed how it might be met. His proposal received the royal assent on May 28th, 1805 and the office was created, but the convulsions which followed had prevented it as yet from displaying much activity. It now appears again assigned to its proper place in the great administrative scheme. It has since flourished, and in 1861 a Central Commission for Statistics was added. In regulations for it, issued by the Ministry of the Interior, it is provided that an annual course, both theoretical and practical, of instruction in official statistics shall be instituted, which shall include both lectures and practical exercises.

In another way, Stein sought to connect Government with science. A prominent feature in his scheme is the Scientific Technical Deputation, that is, a body of specialists who may be consulted by Government when there is occasion; for example, such a deputation, consisting of medical experts, is attached to the Sanitary Department. Stein goes so far as to organise a Plenum or collective assembly of all these deputations. The principle has taken root and several such Technical Deputations now exist.

Let us pass to the reconstruction of Local Government by the Ordinance of December 26th. The most conspicuous change made here consists in the abolition of the War and Domains Chamber. Thus the whole stystem of Frederick William I., the General Directory at the centre of affairs together with the War and Domains Chamber in the provinces, passes away together. In place of the War and Domains Chamber, came the Government (Regierung) the authority of which extended in the main over the same area, now called a district (Bezirk). This new organisation has continued to the present day, and below the Provinces, the first subdivision of the German territory is still into Government Districts. The change extended far beyond nomenclature,

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since the Government differed substantially from the War and Domains Chamber.

The War and Domains Chamber had been originally, as its name imports, charged with the affairs of the Domains, the principal source of revenue, and of the Army, the principal object of revenue; in other words, it had been mainly financial. But in the course of time, as a convenient nucleus, it had gathered to itself most of the functions of Local Government. In particular it had acquired a judicial as well as an administrative character. All matters connected with the financial administration or with rural police were brought before the Justice Deputation of the Chamber, which was distinct from the Financial Board and consisted of persons learned in the law. At the same time the Chamber exercised in most parts of the Monarchy a tutelage like that of the French Intendants over the affairs of the localities.

By the change now made the whole machinery of administrative justice was swept away. The new Governments had no judicial character, and along with the Justice Deputations there were abolished the Administrative Courts of Appeal, called the Supreme Revision College and the Supreme Revision Deputation, that had existed in connexion with the General Directory. Administration and Justice were for the first time decisively separated. All cases which hitherto had been decided by the Chambers, including those in which the Fiscus was interested, were henceforth to be tried by the local Tribunals. These Tribunals at the same time received a new organisation with the title Superior Rural Tribunals (Oberlandesgerichte), and were deprived of a number of administrative functions which had hitherto belonged to them.

At the same time it was intended to relieve the Governments of all that responsibility for communal affairs with which the War and Domains Chambers had been burdened. Stein had in view a new constitution for the Communes, by which it is supposed he would have introduced throughout the Monarchy local liberties such as those he had made the

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acquaintance of long before in the County Mark, now lost to Prussia. These plans however he was not allowed time to realise.

Having in this way relieved the local administrative organ of all work which was either not properly administrative or could be trusted to the people themselves, he was now able to assign to his Governments all local work which was properly administrative. Functions which had been divided hitherto not according to any principle, but merely to suit a momentary convenience, among a miscellany of authorities which had been created at different times, were now united in the department of the Government technically so called.

The change resembles that which took place here when the Poor Law Board made way for the Local Government Board.

In the constitution of these Governments Stein applied the principles he had already laid down for the central Departments. A President was set over the whole. The Board was divided into a number of Deputations, for Police, for Ecclesiastical and Educational Affairs, for Finance, and for Military Affairs, at the head of each of which a Director was placed, and it only met as a Plenum when matters affecting more than one subdivision or fundamental principles of administration were in question.

By his remodelling of the District Stein did for local government what he was doing at the same time for the whole State by his reconstruction of the Ministerial Departments. The District would henceforth be in respect of government a reflexion in small of the country itself. But meanwhile what has become of the Provinces, larger divisions than the Districts and more prominent in the history of Prussia? We remember that in that same age the Provinces of France still more renowned, Languedoc, Burgundy, Anjou, disappeared from the map and were spoken of no more among existing realities. They gave place to administrative districts such as those we have just been

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considering; and perhaps the line of thought along which we have been led may make it intelligible to us now, looked at from the official point of view, they became superfluous.

The District, or in French nomenclature the Department, differs from the Province in this, that it is younger than the State, whereas the Province is older. The former is a division, the latter a component part. The former is created for convenience and because the whole country is too large to be dealt with all together, the latter existed outside the country before it became a part of it, and it was by putting together a number of such Provinces that the country became large. Naturally therefore the mere organiser disregards Provinces, for they do not concern the State as a unity, being only historical memorials of the time when it was not yet a unity. Accordingly we find that in the discussions on the Prussian Constitution in 1848, it was proposed to abolish the Provinces, and it was argued that "the division into Provinces was superfluous and even mischievous, since in consequence of it different parts of the country are held together by the effect of origin and history, though they have no proper unity and though the connexion is purely burdensome to those united." On the other side it was maintained and with success that "in most of the Provinces the effect of history could not be erased," and "that this tie more than any other had retained a peculiar vitality."

We are not surprised to find that Stein took the conservative side on this question, because we know that the Revolution he conducted differed from the French both in the respect it showed for history and in the doctrine it borrowed from Spain, that the civic union should be founded upon the natural or clannish union, the state upon the nation. But in his own exposition of his views, he does not give the conservative reason for retaining the Province, but other reasons drawn from the utility of the provincial organisation. In one of his first Reports on Administrative Reform,

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dated November 23rd, 1807, he lays down the following as a general principle in local government:

The simplest and most vital union possible between the Departments and the subordinate organs must be restored. By special intermediate Authorities we must facilitate the superintendence of all branches of the Administration in whole Provinces, and cause them to work more harmoniously together in affairs where this is of peculiar importance. Through these Authorities, charged with an extraordinary superintendence, the Departments will obtain the necessary organs to which the execution of affairs which extend over large parts of the Monarchy may be committed, and which may be looked to for an impartial living control, as well as for giving more apt advice than can be expected from Boards which take a narrower view.

On this principle he recommends the appointment of Superior Presidents governing Provinces. He remarks that the provincial system of classification is now to be abandoned for the real system in the constitution of Departments, but that

It is important particularly in certain administrative affairs to have a larger executive unit, namely the Province. This is especially the case in the matters of civil administration which concern the military system and in the larger affairs concerning the universal police of the Monarchy. It is moreover important for the Central Departments to have organs which in various cases can report from a point of view commanding whole Provinces. This is particularly the case in respect of the affairs just named. Lastly, the Department wants organs which may exert in its name for the most part on the spot a close and living and not merely formal control over all the lower Authorities together. All these objects together are to be attained by the appointment of Superior Presidents.

Such are the considerations on which Stein grounds the creation of an institution which still exists. At the beginning, however, only three Superior Presidents were appointed, one for East Prussia, Lithuania and West Prussia, one for the Kurmark, the Neumark and Pomerania, and one for Silesia. Sine 1815 each Province has had its Superior President. In 1817 and again in 1825 an Instruction was issued defining his functions, but Stein's original idea does not seem to have been abandoned. The Superior President still combines (1) the superintendence of affairs affecting

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many Districts at once, such as sanitary arrangements, cattle plagues, &c. and particularly cooperation with the Generals commanding the local Corps d'armée, presidency in the educational and medicinal Boards; (2) general oversight of all the Governments within the Province (which, however, does not include any share in the detail of their administration), hearing grievances, &c.; (3) the representation of the Central Government, for instance in cases of conflict between Governments, of extraordinary occurrences calling for immediate action, &c. He is commonly at the same time President of the Government which has its seat in the place where he resides, but in this case he is at liberty to appoint a Vice-president.

In the title, Superior President, there was of course nothing new. Stein himself, we remember, had been Superior President of the Westphalian Chambers. It was probably his experience in that office and his feeling of the value of the services of those Provincial Ministers, such as Schrötter, whom his reform was to sweep away, that put him upon this plan of a kind of local Minister of State. His Superior Presidents were to be members of the Council of State, and were to assemble annually for a time in Berlin, where they were to render an account of the state of their Province. Nevertheless it is to be observed that the plan was not at the beginning universally approved and that objections have been made to it since. Stein's principal advisers in his Provincial Reform were his old friend Count Reden and Ludwig v. Vincke. This part of the scheme though approved by the former was disapproved by the latter. He believed that it would be difficult to find men qualified to hold the post of Superior President. Instead, he proposed to give the Ministers Civil Aides-de-Camp appointed for three years, who should spend most of their time in travelling through the Provinces. This did not please either Reden or Stein, and the latter remarked, "A regular public institution is better than Assistants and a Seminary like this."

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In later times, as I have said, the proposal has been made to abolish the Province altogether. But apart from this, weighty opinions have been given against the office of Superior President. F. v. Raumer says that it is an institution which assumes that the Governments will govern ill rather than well, that the Superior President cannot be present in three or four places where the Governments placed under him are; he is not present at the sittings, and has no complete oversight of the affairs; thus nothing remains to him but the right of asking and objecting, which leads usually to a purely useless increase of labour. He was to stimulate activity in the Provinces, but if the Governments and Ministry were well-manned, such stimulus was not wanted, and the Superior President by his intervention can only create confusion. Again, the Superior Presidents were not to be a Court of Intermediate Appeal, but they must necessarily be so or else never be heard of. This last sentence refers to a principle laid down by Stein, which has been in fact, as v. Raumer thinks it must needs be, abandoned in the later Instructions. Gneist's opinion of the practical working of this institution, at least in its present form, is also unfavourable.

A complete reconstruction of the whole frame-work of government, such as Stein had in view, required in addition to the changes already described new Constitutions for the Circle (Kreis), the Township, and the Commune. It also required an organisation of popular control and of self-government, which was promised (see above) in the preamble to the Ordinance of November 24th, though that Ordinance contains actually no provisions on the subject. For the Circle and the Commune nothing was actually done in Stein's time, though much was meditated. But the reconstruction of the Township was completely accomplished, and here alone Stein was able to carry into effect his ideas of popular self-government. We proceed then to consider the Municipal Reform (Städteordnung).

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CHAPTER III.

MUNICIPAL REFORM.

STEIN'S reforms, so far as we have yet followed them, have appeared to run parallel to those of the French Revolution. They have, in a certain sense, introduced liberty; for they have emancipated the serf from his master, and every class alike from the trammels of unalterable *status*. But political liberty, or liberty in the sense in which the word is generally used in England, we have not yet seen Stein introducing in any degree. We have not seen him giving the people any control over their rulers. Popular institutions, as they are called, that is, a machinery by which the people elect or depose or criticise or counsel their rulers, or announce the general principles according to which they wish government to be conducted, were not given to Prussia either by the Emancipating Edict, or by the Administrative Reform. It is now time to consider how much he accomplished in this direction.

This, it is well known, is the weak side of the French Revolution. France did indeed give herself parliamentary assemblies, which, in the proper sense, were unknown to the old regime, and which she has never since lost. But the efficiency of these assemblies was almost annihilated by Napoleon; and when they were strengthened again at the Restoration, it was found difficult to make them work in harmony with the executive Government. They were always too strong or too weak, until the Napoleonic system, which reduces them to a nullity, was revived. Stein's work may seem to halt still more on this side. He created no Parliaments but left the King as absolute as he found him. For a whole generation after his Ministry, it might appear that France had more liberty than Prussia. F. v. Raumer, in a tract published in 1828, remarks, "In Paris we are often

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obliged to hear it said: 'We live in a constitutional country, while you, you know—' In spite of the polite suppression of the rest of the sentence, this simply means, We are free, but you are still slaves and subject to an unchecked tyranny." He goes on however to urge that this is a mistake. Prussia, it is true, has no Parliament, but it has something else. What is this? It has municipal institutions, created by Stein in the Ordinance of Nov. 19th, 1808, and to which France can show nothing similar.

It appears then that we ought not to represent Prussia as having been left, in this respect, simply a stage behind France, as having had in the period between 1808 and the German Revolution of 1848 no representative institutions, while France had representative institutions which worked ill. The difference between the two countries was more instructive. It consisted in this, that whereas both had made a commencement of representative institutions, France had commenced them at the top, and Prussia at the bottom. France had adopted from constitutional States that which is most conspicuous, viz. the Parliament, but had neglected municipal liberties; Prussia had created free municipalities and avowed her intention of ultimately creating Parliaments, but delayed commencing this second work. It is now clear from the result that France at any rate was wrong. Prussia in her more modest course has advanced slowly, but she has not as yet had to undo anything that she had done.

It is to be observed, that the slowness of Prussia's progress in representative institutions, which drew upon the Government so much blame in the latter part of Frederick William III.'s reign, is in no way to be attributed to Stein, whether it be called prudence or timidity and perfidy. It was neither from timidity, nor even from a cautious preference for gradual progress, that he refrained from crowning his edifice, but simply from want of time. Had he continued in office, he would, no doubt, have created a Prussian Parliament; nor does he seem to have in any case admitted

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the necessity of spreading great changes over a great space of time.

The Municipal Reform then ought by no means to rank below the other two great reforms of Stein in point of importance. Less comprehensive, for it affected only the towns, whereas the Emancipating Edict affected the whole of society and the Administrative Reform the whole of government, it was at the same time more novel and original. In the Emancipating Edict we have seen in the main an adoption of the social side of the French Revolution; and the Administrative Reform, though it had important original features, might be thought to have been in its general scope suggested by the French Revolution. But in the Municipal Reform Stein broke with French principles, and that just at the moment when the rest of Germany was reforming its Municipalities in accordance with them. That political movement of the 18th century, which first enters into actual history with the legislation of Joseph II., though from its most complete achievement we call it the French Revolution, abolishes the distinction between town and country. The Commune with its Mayor, which in old France was only found in the town, has now spread itself over the whole country of France, and is in fact only the civil parish. On the other hand, the great towns have lost their unity. There is not now one Mayor of Paris but many Mayors of its many arrondissements, one of whom, who is at the same time Prefect of the Department of the Seine, is regarded as the central Mayor. It is unnecessary to add that, in these new units of local government, there has been no liberty; that the mayors have been appointed by Government, and that the Councils have had only a consultative function. Now this was the system which Stein found in fashion; it was this which a statesman, who wished to be thought advanced and on a level with his age, was tempted to adopt. It had already in 1808 spread over a great part of Germany. The French themselves introduced it into the Grand Duchy of Berg, and the Kingdom of Westphalia. In the territories

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of the Confederation of the Rhine it "was in many cases imitated and once or twice actually copied. For example, it was regularly copied in the Grand Duchy of Frankfurt, and the Duchy of Anhalt Köthen; it was imitated in Bavaria in the year 1808." (Maurer, *Städteverfassung*, Vol. IV. p. 300.)

But (the same writer continues) in other states again an effort was made to stem the foreign tide. The old free municipal organisation, already decayed in most of the territories, was taken up again and greater liberties and greater independence granted to the Towns. This was done in Prussia in 1808 by the great Minister Freiherr vom Stein, who like the great reformer Ulrich v. Hutten three hundred years before him did not think it beneath the dignity of his Imperial Knighthood to serve the great ideas and interests that influenced his age. And his example has been followed later by several other states. Thus did the Prussian Municipal Reform of 1808 make an epoch for all Germany.

For, as we learn from this passage, this Municipal Reform, though it ran counter to the movement of that age, has proved as successful as it was original. It has indeed been modified since by a new ordinance of date 1831; so much was to be expected considering the great extent of the innovations which it introduced. But there seems a remarkable agreement of authorities that, on the whole, it has worked well. The tract already quoted by Friedrich v. Raumer, though mainly devoted to criticism of its details and to suggesting amendments in it, begins with the assertion above cited, that it constitutes an equivalent to Prussia for the Parliamentary institutions which Prussia still wanted, and ends with the declaration that

The Municipal Reform ought to be maintained as a salutary law in its substantial parts, and the more minute provisions still needed are not in opposition to the freedom which it aims at, but ought only to be a further development and advancement of what has been so nobly and successfully commenced. Evils, which here and there oppress the towns, have not been the consequences of that ordinance; it has everywhere met with deserved approbation and particularly where the most important towns are to be found.

Let me add here the emphatic judgment of Dahlmann:

Nowhere perhaps was the situation of the Townships more precarious

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than in Prussia, if we follow Prussian authors themselves. There was the most complete dependence on the Provincial Executive, which it was vain to withstand with chartered rights; and the magistrates, often strangers to the town, indemnified themselves for the pressure they suffered from above by that which they inflicted upon those below them. But Prussia took a step which showed the utmost strength of will in an almost desperate situation. The battle of Jena had been but the outward exhibition of the deep internal discord which went through all classes of its people. Thrice blessed who has the courage to learn from experience! they were bent upon an inward recovery to enable them to meet the external enemy. The Baron vom Stein, by laying here the foundation of the salvation of Prussia, became in a deeper sense than King Henry, who could but build fortresses, the Town-builder of Germany.

We observe, then, in this Municipal Reform, in which the French example was so boldly and happily rejected, the second great point of difference between the great European or Anti-Napoleonic Revolution, which began in 1808, and the French Revolution of the last century. Its respect for the principle of nationality was the first and most conspicuous; the second was its respect for local and municipal liberties. In the one it followed the lead of Spain, in the other it took its lesson from England.

That is, it followed England generally in adopting the principle of self-government; we have the clearest right to say this because, in everything which he has written on the subject, Stein refers to the example of England. But the imitation was certainly far from being close, because of all the English institutions the borough was in Stein's time the most corrupt. He adapted to the Township in Prussia some general principles, of which he had admired the working in the English County. So far was he from imitating the English borough, that the very contrary has been asserted. It has sometimes been hinted by German writers, that the Municipal Corporations Act of our Reform Ministry was borrowed from Stein's measure; and assuredly it would have been no disgrace, but rather natural and praiseworthy, that our reformers should examine and profit by such a successful experiment tried in Prussia. Yet every Englishman feels instinctively convinced that our reformers did no such thing. What English statesman of that age would

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have dreamed of going to Prussia for lessons in self-government? What English statesman of that age knew anything of Stein's legislation? I have looked through the debates and Blue books in which the history of our Municipal Corporations Act is to be found, and I have only met with one slight allusion to Stein's measure; it is in a speech by Mr. Ewart.

The Municipal Reform appeared to be, and in some degree really was, the revival of an ancient institution, the restoration of liberties that had been lost rather than a first step in the path of liberty. The township had flourished throughout Germany in the Middle Ages before the greatness of the House of Hohenzollern began. It had had a long and eventful development, uniform in the main throughout Germany, and strangely similar to the earlier stages in the constitutional development of ancient Rome. It had begun with a Government of Families (Geschlechter) answering to the patrician *gentes* of Rome. Outside these families had sprung up a mixed population, like the Roman *plebs*, which organizing itself in guilds (Zünfte), had struggled for a share in the government. As at Rome, they had prevailed. The families had in some States been driven out, in some merged in the guilds, and in some had retained a fragment of their former power. A new kind of citizenship had been created, unconnected with landed property and introducing a new and revolutionary idea into the jurisprudence of the feudal world. It was said of the citizen of this age, that he was no man's lord and no man's servant—

> Niemands Herr und Niemands Knecht
> Das ist des Bürgerstandes Recht.

The age of the Crusades had been the golden time of these old municipalities; from them had proceeded almost all the reforms by which Germany had stepped out of the Middle Age, and their historian (G. L. Maurer) crowns their panegyric by asserting that without the Towns probably there would have been no Reformation.

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But all this had long passed away. A great change in the economic system of the world had affected the cities of Germany as a seaport is affected when the sea gradually recedes from its quays. The commerce of Germany with the East, which had been stimulated by the Crusades, was almost destroyed by the fall of the Byzantine Empire and by the discovery of a sea route to India. The decay which followed is measured by the fact that the Hansa, which had numbered 85 towns, now dwindled to three. What had been thus begun was completed by war. The Rhenish and Westphalian towns especially suffered from the long war which rose out of the Revolt of the Netherlands. The Thirty Years War affected all Germany, laying a great proportion of the towns in ruins and impoverishing the whole of society. At the beginning of the eighteenth century German industry had been reduced to the lowest point. With their prosperity the towns lost their liberty. Their greatness had depended very mainly on the misgovernment and confusion that prevailed in the Territories that surrounded them and in the Empire itself. But the very reforms which overflowed from the towns into the Territories undermined this greatness. When a tolerable police was established over the whole country, it ceased to be necessary for the towns to support troops and league themselves with other towns for the common protection; and with the public need public spirit was relaxed. Still more fatal to them was the growth of another power, the territorial sovereignty (Landeshoheit.) Standing armies ushered in a period of absolutism over the whole Continent. In Germany there established itself a multiform absolutism, not the absolutism of the Elective Emperor, who, on the contrary, faded to a shadow, but the absolutism of the Princes. Hence the towns fell into two classes, those related to the Emperor and those looking to some Prince. The Imperial Towns, since the Empire had not gained strength, did not lose their liberties along with their wealth and prosperity, but the Country Towns (Landstädte), who

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were related to the Princes as the others were to the Empire, were gradually enslaved by the Territorial Sovereignty.

As this Sovereignty was nowhere more powerful than in Prussia, so the enslavement of the towns was nowhere more complete. The introduction of the Excise, which we have marked as the starting-point of Prussian Finance, was a decisive triumph over them; and the organisation of 1723, which established the War and Domains Chambers, commenced the subjection of them to central authority. An official called the Tax Administrator (Steuerrath) was charged with the function of controlling the Town Councils. What completed the humiliation of the citizens was a plan which had been adopted in the interest of the army. It was arranged,—I suppose, as the cheapest system of military retirement,—that the city magistracies, except where they demanded legal skill, should be filled up with invalided soldiers.

F. v. Raumer's account of the condition of the towns before Stein's reform is as follows:

> The magistrates in some places filled up their number by cooptation, but for the most part they were nominated by the Government, and since the second half of the eighteenth century the citizens had had no influence worth mentioning either in this or in respect of the taxes, accounts, &c. Thus the Town fell into two entirely unconnected parts. The completely disenfranchised part submitted grudgingly, seeing in the Magistrates (often quite justly) nothing but partial interested opponents, and at the same time these apparently unlimited despots did not at all enjoy their omnipotence. For in the first place many posts of Burgomaster, Treasurer, Councillor, were treated as comfortable berths for invalid Quarter-Masters and serjeants who were pushed in among the magistrates without regard to competence or incompetence; and secondly these men were under the strictest Government tutelage, scarcely allowed to make or carry out the most trifling decision without its approval. Besides this, almost all the towns were subject to the oversight of a Tax Administrator in the neighbourhood, and that means a man whose examination certificate would not have qualified him to be on the Local Government Board, and yet was thought good enough to dictate to ten or a dozen corporations.

That a commencement of popular institutions was made in the towns rather than either in the Central Government as in France, or in the Circle as the example of England

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might have suggested, is probably not to be attributed to any deliberate judgment of the legislator. Judging by the rapidity with which his innovations were made and the intentions which he announced, we may be sure that had he enjoyed a few more months of office he would have created a Parliament, and would have followed up his Municipal Reform (Städteordnung) with a Circle or County Reform (Kreisordnung). But the innovation was easier in the towns, where liberties had once existed, than either in the country districts or at the centre of government. In France it was natural, in extreme public need, to think of summoning the States General, because a States General had met in former times: it was much less natural in Prussia, where no such national assembly had ever been known. In the country districts also, where serfdom still existed, it would have been premature to introduce political liberty, either before or even at the same time with personal liberty. But the towns lent themselves to the purposes of the legislator; there but one abuse called for removal, and that an abuse of modern growth, the practice of administrative interference, and nothing needed to be called into existence which had not, though in a somewhat different form, existed there before.

Here, as in the case of the Administrative Reform, I shall have little narrative to offer. No enthusiastic public meetings were held, no dramatic debates took place; I can tell of no crushing replies, no perorations delivered at sunrise, no apt classical quotations. As before, my chief study will be to state precisely what was enacted, and of that which was enacted how much is still law in Prussia.

In the Emancipating Edict we saw Stein accepting ideas suggested by others; in the Administrative Reform, on the contrary, working out original ideas, which probably few shared with him. The Municipal Reform seems to have risen about simultaneously in his own mind and in public opinion. It is demanded by the public voice, but at the same time we observe that Stein has not waited for this

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public demand but has anticipated it, and already, upon his own private conviction, taken action in the matter. It seems that the experiences of the war had convinced a number of people at once of the necessity of giving more independence to the municipalities. There had been found such a lifelessness in the existing system, whenever in the course of the war a township had been called upon for a sudden effort of self-defence, that it had been necessary in some cases actually to invite the free action of the citizens, and, as it were, create free municipalities *extempore*. Thus the thing needed was clearly pointed out by the instinctive *nisus* of society in its distress; and it is remarkable that precisely the opposite tendency appeared in France during the Revolution. There, as we know, municipalities had been called into existence at the beginning, in the general enthusiasm for liberty; but as soon as the pressure of actual conditions came to correct theory they were extinguished again, and a rigorous uniform despotism was in the end established in local government. It was complained that the municipalities were nests of royalism, asylums for all the political opinions which the revolutionary faction desired to extinguish. In other words, that fatal internal discord which stained the Revolution with so much crime at the same time vitiated the institutions which sprang out of it. While in Prussia, nothing but new vigour was to be expected from inviting the co-operation of the citizens in public affairs, to do so in France was to open the floodgates of so much pent-up hatred as would paralyse the State in its resistance to external enemies.

We have already seen Stein in his retirement at Nassau writing his opinion of the essential importance of calling in the gratuitous co-operation of the people; at the same time, it appears, an official at Königsberg, named Brand, was drawing up a plan of municipal self-government, founded on observations made during the war. When he had become Minister, Stein at once set about realising his own views by commissioning Schrötter to draught a law on the

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subject, and becoming acquainted with Brand's plan, urged him to cause it to be presented to the King, in the name of the citizens of Königsberg. This was done. On July 15th came an Immediate Representation from the Aldermen (Aeltesten) of Königsberg, calling for a legal representation of the citizens. On July 25th their application was sent to Schrötter, as Minister for the Province, by the King, accompanied with a Cabinet Order drawn and countersigned by Stein. In this Cabinet Order it is pointed out that the application points to "a universal organisation of Municipalities, which would not only free them from the fetters of useless and cumbrous formalities, but also revive their public and civic patriotism, which is annihilated by their exclusion from all share in the administration of municipal affairs." The commission is then given to Schrötter of "draughting a plan both of representation of the citizens, and of organisation of the executive magistracies, and at the same time considering the conditions of the different towns in respect of extent and population, and of conferring with the Municipal Estates on the subject and of sending in the whole for ratification, in order that the alteration of the municipal organisation may be accomplished as soon as possible."

Stein is seen here at work in his usual manner. A suggestion which referred to a single locality only is seized by him and elevated into a comprehensive and momentous scheme, and at the same time brought at once half way to reality by the decisive energy with which it is taken up.

The matter now passed into the hands of Schrötter, who had now before him, to assist his own reflexions, not only the proposals of Brand but also those of another Königsberg official, named Frey, who had also been called on by Stein for his views. In his own Provincial Department, Schrötter now invited the help of other experienced officials, Morgenbesser, a friend of Kant, of whom a high opinion was entertained, Friese and Wilkens. The last, in particular, appears to have rendered much help. On Sep-

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tember 9th, the result of these deliberations was brought to Stein in the shape of a "Constitution for all the Towns in East Prussia, Lithuania, and West Prussia, together with an Instruction for the Representatives of the Citizens." So far the scheme is still provincial; but when it returns into Stein's hands, it begins to be considered from the point of view of the whole State. It has still to pass through two important stages. What was the Immediate Commission has now, since Stein's return from Berlin, changed its name, and is become a kind of Department belonging to Stein's dictatorial office. In this Department the scheme is reported on by Schön and Altenstein, their attention being directed to particular points by Stein himself. Stein's Department and Schrötter's Department now correspond with each other on the subject of the debatable points. The measure next enters upon another stage. It is laid before the General Conference. This was a provisional form, which Stein had brought into existence after his return from Berlin, of that Council of State which, as we have seen, was intended to be the keystone of his reformed administration. It has now taken the form of a law for the whole Monarchy, and in this shape, on October 19th, it received the approval of the General Conference. On November 9th it was laid before the King by Stein and Schrötter, and on November 19th it received his sanction. The King says:

My dear Ministers of State Baron v. Schrötter and Baron vom Stein.

The wish of the citizens of this town for a legal representation and for a share in the municipal commonwealth is no doubt universal. Both too will animate civic patriotism and public spirit. I have gladly therefore ratified at the same time for all the towns of my Monarchy the Municipal Organisation (Städteordnung) which was laid before me by you on the 9th instant, and which is herewith returned to you; and I have not found it necessary on that account to make further inquiries; at the same time I consent that the execution take place, and that a commencement of it be made at once in the great towns, and that it be thereafter continued. You, Minister of State Baron v. Schrötter for the Kingdom of Prussia, and you, Minister of State Baron vom Stein by means of the Immediate Commission at Berlin, for the other provinces, will arrange what is necessary for the publication, which is immediately to be taken in hand.

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I have given the King's exact words, because his manner of addressing the two Ministers gives us a curious glimpse of that old Administration of Prussia which was on the point of disappearing.

The law consists of 208 sections, and cannot here be given in full. But perhaps the reader will allow me, in the summary I shall give, to preserve something of the form of the original document.

TITLE I.

Of the supreme oversight of the State over the Towns.

§§ 1—2. This remains, so far as it is not expressly renounced in this law. It is exercised by inspecting accounts of the management of Town property, by hearing complaints, by ratifying new statutes and sanctioning appointments.

TITLE II.

Of the Towns in general.

§§ 3—13. The distinction between mediate and immediate Towns is abolished; the Lord of the Manor (Gutsherr) cannot henceforth exercise any right contrary to this law. Towns are to be divided into three classes, Great Towns (population above 10,000, exclusive of Military), Middle Towns (population above 3500), Small Towns (all the rest). Every town containing more than 800 souls is to be divided into wards (Bezirke). A Magistracy is to preside over the whole town, a Ward President (Bezirksvorsteher) over each ward. The inhabitants fall into the two classes of Citizens and Residents.

TITLE III.

Of the Citizens and of the Right of Citizenship.

§§ 14—39. Those are citizens who are competent to pursue city occupations, and to own land within the limits of the City Police. There is but one kind of citizenship, and existing distinctions of greater and lesser citizens are hereby abolished. Citizenship is not to be refused to those qualified if they are of blameless life, and unmarried women may acquire it. But Cantonists, Soldiers, Minors and Jews, as well as Mennonites, remain subject to their present restrictions. And certain crimes disqualify for citizenship.

Those who are qualified are also obliged to become citizens. Citizens are bound to pay rates, to serve town offices, and in case of need to render any other service. No exemptions are allowed, and all existing exemptions are abolished. But substitutes are allowed where personal service is not expressly required, and in the case of state-officials whose time is preoccupied.

Citizenship is forfeited after two years by ceasing to reside in the Town and omitting to furnish a substitute, also by certain crimes.

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TITLE IV.

Of the Residents.

§§ 40—45. Such are all inhabitants of a Town that are not Citizens. They are subject like the Citizens to the Town Magistracy and Police, and are bound to contribute in proper proportion, in extreme need even by personal service, to the wants of the Town, but are without the franchise active or passive, and may not pursue those occupations which are confined to the Citizens.

TITLE V.

Of the Collective Body of Citizens.

§§ 46—68. All the Citizens compose the Collective Body. It elects an Executive (Magistrat) and also a Representative Body (Verordnete). Besides this it does nothing. But by its representatives it oversees the administration of the corporate property, and that of Classes and Corporations within the township (except where they have administrators of their own), and that of Institutes and Foundations. It levies contributions from the inhabitants to meet charges that cannot be met out of the corporate income. In the assessment it must not oppress individuals by majority of votes, nor grant any new exemptions; exemptions already existing may be bought up. New members must contribute to preexisting public debts. Members may resign their citizenship, giving due notice; only not so as to get the advantages without bearing the burdens of citizenship. Members acting counter to the common object may be ejected in certain circumstances (to be defined below). The ejection must take place with the proper formalities, but there is no appeal from it except on the ground that the township has exceeded its powers.

TITLE VI.

Of the Civic Representatives.

§§ 69—139. Part I. Of the mode of electing and changing the Representatives.

Such representatives must exist in every Town belonging to the three classes. In Small Towns the number of them must be from 24 to 36; in Middle Towns from 36 to 60; in Great Towns from 60 to 100, and Substitutes to fill casual vacancies are also to be elected to the number of a third of the number of Representatives. The election is to be by wards, and to each ward is to be assigned a certain number of Representatives. No account is taken of membership in any guild. Deprived of the vote are (1) Members of the Executive during their term of office, (2) Citizens of the female sex, (3) Non-resident Citizens whose income is below 200 thalers in Great or 150 thalers in Middle and Small Towns. Each elector is bound to appear at the election held in his ward, and may be struck off the list for repeated non-appearance. Every elector is also eligible, but only in the same district, and no one else is eligible. Two-thirds of the Representatives must be resident householders. The Representatives are to be elected for three years, a third part vacating their seats yearly.

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Part II. Of the Rights and Position of the Representatives.

They have an unlimited power of representing the Community, but their particular function is to asses and sanction rates and to regulate burdens and services, and this function they perform without referring to the Community for instructions. *The law and their election are their full powers, their conviction and their view of the public good are their instructions, and their conscience is the authority (Behörde) before which they are to give account of their conduct.* They are in the fullest sense representatives of the whole body of Citizens, and therefore not representatives of the single district which has elected them, nor of any Corporation or Guild to which they may accidentally belong. They are to receive no pay or gratifications. Their number must be kept always complete through the election of a certain number of substitutes who are to be held ready to fill up vacancies. The meetings are to be monthly, two thirds being a *quorum*, and the decision being by absolute majority. Their decisions bind all the inhabitants, but can be carried into effect only by the Magistrates.

TITLE VII.

§§ 140—164. Of the Magistracies and Ward Superintendents.

There shall be only one Magistracy for the whole police district of each town. All separate Magistracies, such as those allowed to the French colonies, are abolished. The Magistracy shall consist solely of Members of the Township who possess its confidence. Every citizen who is animated by public spirit will gladly undertake so honourable an office even without the prospect of any personal profit. Pay shall only be given to those members who sacrifice their whole time.

It shall consist of a paid Burgomaster (in the Great Towns Superior Burgomaster), paid Councillors and unpaid Councillors. The paid Councillors shall vary in number with the different classes of Towns; in the Small Towns there shall be but one. The unpaid Councillors shall be from 12—15 in Great Towns, from 7—12 in Middle Towns, from 4—6 in Small Towns. Most of the Councillors hold office for six years, but some, chosen for special knowledge, hold office for twelve, and the unpaid Councillors may, on giving notice, retire after three years.

Except the Superior Burgomaster all are to be elected by the Representatives and confirmed by the Superintending Police of the Province. The Superior Burgomaster is chosen by the King out of three named by the Representatives.

The Ward Superintendent must be a householder of the Ward. He is chosen by the Representatives for six years, but may retire at the end of three. He is unpaid.

TITLE VIII.

§§ 165—190. Of the Regulation of Business and the Relation of the Official Bodies to each other.

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The State may either set up Police Magistrates of its own in a district, or it may commission the Local Magistracy to perform the same duties. In the latter case the Local Magistracy becomes to that extent subject to the Central Government. The expense of police falls on the district, but it is for the Government to raise the fund and to provide the machinery. The conduct of business must centre in the Magistracy, but an effective cooperation is allowed to the citizens. An initiative in local legislation is allowed to the representatives, but any proposal to alter existing laws or arrangements must receive the sanction of the Provincial Police Department.

Local affairs shall be conducted partly by the Magistracy, partly by Deputations and Commissions, composed principally of Representatives and other Citizens chosen by the Representatives, and confirmed by the Magistracy, and of one or two Members of the Magistracy.

Affairs conducted by the Magistracy alone are—the superintendence of elections; the generalia of the administration; the examination of grievances; registration; affairs of trade, navigation, and manufacture; public accounts; general control. Affairs conducted by Deputations are ecclesiastical and educational affairs, the care of the poor, insurance, sanitation, public buildings, the charge of the common purse, weights and measures, prisons, &c.

The Ward Superintendent has the charge of streets, bridges, fountains, conduits, &c.

The Town Revenue falls under three heads: (1) Wants of the Community, (2) Cost of Police, (3) Cost of Justice. The two latter are settled by the State and cannot be refused by the Town, but the first may be reduced by the Representatives.

TITLE IX.

§§ 191—208. Of the Obligations of the Citizens to accept public Municipal offices, and of the deprivation and suspension of such offices.

Every citizen is bound to serve even in unpaid offices, but these must be limited in time. Six years shall be the general term, but there shall be permission to retire at the end of three. The only grounds of exemption are illness, a long journey, or the simultaneous serving of three offices. But State Officials, Clerks, Professors, Schoolmasters, and practising Physicians may refuse to serve. By persistent refusal to serve, a citizen incurs the forfeiture of his citizenship, and at the same time becomes subject to increased burdens.

Such is the law by which a beginning of liberty was made in Prussia. Two features in it especially deserve notice. In the first place, it is not the result of a struggle between the Government and the people, or in any sense a concession on the part of the Government. In popular oratory liberty is always represented as the prize of a contest, as though in every nation capable of greatness patriots arose to battle with the Government, and after an obstinate strife "be-

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queathed by bleeding sire to son," the Government being overwhelmed, a golden age began for the nation. Nothing similar is seen in Prussia. There is no opposition of any kind to the Government, and when liberty is introduced the whole process, from the first suggestion to the execution, is conducted exclusively by Government officials. The motive throughout is that which alone disposes Stein himself to favour liberty, not any fear of the oppressiveness of government, not any pity for the condition of a population subjected to despotic rule, but on the contrary a pity for the Government, a feeling that it is not fair in the people to wash their hands altogether of public matters and to discharge the whole burden upon their rulers. And the character of the law corresponds to the motive of it. It carries an air of stern command. The people are not allowed, but commanded, to govern themselves. Much stress is laid upon the burdensomeness of the new regulations, but it is firmly asserted that the burden is one which the people have no right to evade. The citizens must not refuse the offices which their fellow-citizens lay upon them, nor must they expect pay unless the office is such as demands their whole time. There is, indeed, something in the law which reminds us of the great principle of military reorganisation which Scharnhorst was meditating at the very same time. As the military reform ended in the State taking possession of three whole years in the life of every citizen, and partial possession of four more, so does this law enact that a citizen may be called upon to serve his town gratuitously for three years, and, as a general rule, that he may be expected to serve for six.

As we have seen, the law proved in the main decidedly successful. But it was not successful in every point; and in the last years of Stein's life there grew up a strong demand for alterations in it. In those years the Estates of the different Provinces had been recalled to activity; and in 1825 the Estates of Brandenburg petitioned for a revision of the Town Ordinance; and in 1828 F. v. Raumer published the

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criticism of it which has been cited above. His objections are of the following kind.

It is not satisfactory that the qualification for citizenship should be either the possession of land or the pursuit of a town trade. Personal property should be regarded. At present the richest man who has not happened to buy land is excluded, while any one who has bought an old hut for ten thalers is a citizen. As for pursuing a town trade, this only means being entered on the lists of a trade and proves nothing in a man's favour; he may be a beggar and without occupation. The elections of Representatives, particularly in small towns, have not worked well; the number of Representatives ought to be diminished and measures taken to raise their character.

So too of the Magistracies. The Burgomaster should perhaps be chosen for twelve years instead of six, and should receive a retiring pension. The provision that the Ward Superintendent must be a householder in the ward should be repealed.

He then proceeds to argue in favour of Trade Guilds and betrays here that the opposition to the Law arose in part from Conservative feeling.

In the main the objections urged seem to have been (1) that the rights of the Government were too much abridged, (2) that the Law created too much uniformity in the different towns, (3) that it allowed uneducated people to make their way both into the Magistracies and into the Assemblies of Representatives, (4) that the Magistracies were too much dependent on popular favour, (5) that quarrels arose between the Magistracies and the Representative Assemblies.

A revised law was at length passed in 1831, the year of Stein's death. It relaxed considerably the strictness of the definition of citizenship, and in particular it allowed personal property to constitute a qualification. It diminished the necessary number of Representatives. It restored *permissively* the old classification of the citizens by guilds and corporations. It repealed the provision that every elector

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is also eligible, requiring a higher money qualification for eligibility. It created a machinery for reconciling the Magistracy and the Representatives in case of difference of opinion, making the central government the ultimate arbiter when reconciliation proved impossible. It required the consent of Government to many decisions, which under the old law were competent to the Local Body independently. It created more diversity than before by requiring a special Statute to be passed for each town, whereas the old law had only permitted this, requiring the draught of the Statute to be sent in within three months, which term being found too short, few such Statutes were passed. On the whole, as the reader will see, the revised Law was what Liberalism would call reactionary, since the innovations were in favour either of Government or of the wealthier classes or of the old organisation of guilds.

It is to be observed in conclusion that Stein's law could of necessity only apply to those Provinces of the present Prussia which belonged to the Monarchy in 1808. On the other hand, the revised Law of 1831 was not forced upon all the towns which had hitherto lived under Stein's. Again, in the Rhine Province, which was added to Prussia at the general Peace, the French local organisation ultimately prevailed. This motley state of things was again altered in the period of reorganisation which followed 1848. The Law of Stein is not, I think, at the present moment anywhere in force, but the principles introduced into Prussia by it are in force everywhere.

CHAPTER IV.

STEIN'S RETIREMENT.

IT was shown above how the ratification by the King of the new treaty with France almost of necessity involved the retirement of Stein, since it committed the country to a for-

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eign policy which was to him intolerable, and since it united the King with the party adverse to him. At the same time we saw him exposed to the vengeance of Napoleon through the intercepted letter. We are now to tell the story of his fall, and show from which of the many enemies by whom he was beset the blow came.

On this point there has been much dispute, as was to be expected. When a man falls in the midst of a crowd of enemies, it is generally a matter of doubt who brought him down, and the difficulty of deciding becomes greater when the wound is not a bodily one, which can be seen and examined, but only a shock given to the feeling of confidence in him entertained by another man. It would not be surprising if we discovered that the influence by which Frederick William was determined to part with Stein was necessarily unknown and unknowable to all but Frederick William himself, if not even to him. Nevertheless, of the different accounts which have been given, one does seem much more probable than the others.

Had Napoleon demanded the immediate dismissal of Stein or launched an edict of proscription against him at the time when the intercepted letter appeared in the Moniteur, which was on September 8th, the reason of his dismissal would never have become a matter of dispute. But he was allowed to remain Minister for more than two months longer, and when the King at last accepted his resignation he made indeed a profession that he did so unwillingly and under pressure, but was not able to point to any peremptory decree received from Paris. After this nearly another month passed before Napoleon issued his decree of proscription against the fallen Minister, which is dated December 16th. Upon this long delay on the part of Napoleon has been founded the conjecture that he had himself no strong feeling of hostility to Stein, and would have let him alone as soon as he had derived the utmost political advantage from his indiscreet letter, but that the opposition in Berlin made Napoleon their instrument, and also that the King himself

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sympathised to some extent with the Opposition and had no objection to escape from the yoke of an imperious Minister at whose feet he had been compelled to humble himself. Such a theory will explain the dismissal with a good deal of plausibility, for it may be asked, if Napoleon was determined that Stein should retire, why he did not say so, and why he at least allowed the King to defer the dismissal so long. It is true that it leaves the Decree of Proscription unexplained, and compels us to imagine a somewhat capricious outbreak of tyrannical humour in Napoleon, who without any particularly strong feeling against Stein could single him out for such an outrageous and unprecedented attack.

There is no question of the fact that the Berlin Opposition did raise a clamour against Stein that might very well have made the French suspicious of him, if they had not been so before. It is also true that the delay on the part of Napoleon, who had promised to be as quick as lightning and who in such cases was commonly as good as his word, did require explanation, and might naturally lead such observers as Daru and Stein's niece, the Countess Senfft, to think that his anger was feigned, and might tempt the Frau vom Stein and Sack to say later, that at any rate if Napoleon wished Stein to retire it was open to him to say so, and till he did so there was no need to assume it. But on the other hand his delay seems capable of quite a different explanation, and there is reason to think that Napoleon was in reality resolved from the beginning not only to expel Stein from the Ministry but to proscribe him, so that the Berlin clamour, real and noisy as it was, had in fact no influence upon the result.

The principal proof of this is to be found in a letter written by Napoleon to Soult on September 10th, that is only two days after the appearance of the intercepted letter. It runs as follows:

Vous verrez dans les journaux de quelle manière on parle de la lettre de M. Stein. J'ai demandé qu'il fût chassé du Ministère, sans quoi le roi de

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Prusse ne rentrera pas chez lui. De plus j'ai fait mettre le sequestre sur ses biens en Westphalie.*

This passage seems sufficiently to show that, so far from being feigned to intimidate the negotiators, Napoleon's feeling towards Stein was even more bitter than he avowed at the moment, and that the Decree of Proscription was no sudden freak of tyranny, but had been deliberately resolved on from the beginning and was steadfastly kept in mind for months until the moment for issuing it seemed to have arrived. The exact correspondence of what was actually done with what is here announced as Napoleon's intention ought to warn us against supposing that his actions were determined by such contemptible influences as the clamour of his own flatterers at Berlin; and on the other hand to be surprised that he was so tardy in execution is to take much too seriously that *rôle* of Omnipotent Jove which it suited him to play. The position of Napoleon at that time was very difficult and embarrassed; so we have observed above, a spark of courage in the King of Prussia might have betrayed this in a mortifying manner; and in these circumstances it is rather surprising how much Napoleon was able to exact from Prussia than that he was not able to exact more.

The treaty now forced by him upon Prussia contained, as the 4th secret article, the stipulation that all Prussian officials who were natives of the provinces ceded by Prussia at the Treaty of Tilsit should be dismissed. This stipulation did not actually touch Stein, who was not a native of any Prussian province, but it was evidently intended to do so, for Stein had passed a great part of his life in Westphalia and Napoleon's letter just quoted speaks of his property in Westphalia, and it was so understood by Stein himself, who points out the mistake in a letter to the Czar. This studied and formal attack upon the Minister does not countenance the supposition that there was no strong hostility

* Nap. Corr. XVI. 503.

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against him, and perhaps at the same time it shows that Napoleon did not consider the King so dependent on himself as to have no will of his own, for had it been so, the mere expression of a wish would have been enough without an article in a treaty. In matters of the first importance we have found Frederick William disposed to unbounded concession, but, perhaps as an atonement to his own conscience, he was in smaller matters an obstinate man. He had been obstinate about Beyme; he had lately given Napoleon a refusal about the Confederation of the Rhine; if he should do so again in the matter of Stein, the effect might be embarrassing. That he would have to yield in the end might be certain, but Napoleon was not strong enough to compel his submission at any moment.

Yet his threats and those of his followers were not spared, and did not cease when Prince Wilhelm and Brockhausen at Paris had been cowed into signing the Treaty. When Golz passed through Berlin on his way to Erfurt he found the principal French officers and diplomatists, Davoust, Daru, Bignon, violent in their denunciations of the plot of which Stein had been discovered to be the ringleader. At Erfurt he heard just the same language. Champagny declared that Stein could not possibly remain in office, however indispensable his talents might be to the King. Napoleon demanded how Stein could dare to utter such things with impunity, and gave Golz the impression that he was only restrained from violence by consideration for Alexander. If all this did not at the time convince observers that the persecution of Stein was earnestly meant, this was only because they had not, as we have, the means of contemplating the whole of it together. While the negotiations were in progress, these attacks served a political purpose; they were used by Napoleon as a means of intimidating the Prussian diplomatists; and therefore at the moment it was a plausible supposition that there was no serious feeling at the bottom of them. But neither the beginning nor the end of these attacks was visible to those who made this supposi-

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tion. They did not know that Napoleon had already written to Soult that he intended not only to expel Stein but also to confiscate his property, and they had not seen him deliberately execute this intention at a time when no political object was to be gained by it. Read by the light of the event, the language held by Napoleon and Champagny about Stein at Erfurt seems to have expressed their real feelings none the less because it suited their immediate interests at the same time.

Another circumstance at the moment created an equally groundless doubt of Napoleon's earnestness. Though he repeated and his underlings repeated that Stein must go, yet their language, emphatic as it was, was not quite in the unmistakable tone which Napoleon adopted when he expected his commands to be obeyed. If he had been serious would he not, it was thought, have refused to negotiate or threatened an instant renewal of war unless Stein was dismissed? Since he did not do this, was it not evident that his anger was partly simulated?

This difficulty also was removed in the sequel. It was shown clearly that Napoleon was earnest enough in the matter to proceed to any extremity. When the Decree of Proscription came the French Ambassador caused Stein to be informed that he had instructions to break off all relations with Prussia and to leave Berlin if Stein continued either in Prussia or in the Prussian service. And this was at a time when it was impossible for him to thwart Napoleon half so effectively as he could have done while he continued Minister. But, as I have said, we must not allow ourselves to suppose that Napoleon because his power was great was at all moments in a condition to gratify all his passions without restraint. He was still under the necessity of sometimes dissembling, of sometimes waiting. And it has already been pointed out that at this particular moment, though he played with such remarkable spirit the part of Universal Monarch at Erfurt, he was really in a very anxious crisis of his career and had suffered the greatest failure that had yet

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befallen him. What it cost him most art to conceal at Erfurt was that the first place in the duumvirate belonged to Alexander rather than to himself. In his Spanish disaster he had fled to Alexander to receive from him fresh prestige, a sort of confirmation in his empire, and though he was able to offer in return that which the Czar was delighted to receive, still it may be said that he had more need of Alexander than Alexander of him. He was very far therefore from being in a condition to dictate his arbitrary will at Erfurt. And this least of all in matters which concerned Prussia, for Prussia of course was of all foreign States that in whose welfare the Czar was most closely interested.

Napoleon had no reason, it is true, to suppose that the Czar took any interest in Stein. The two men had no doubt just made each other's acquaintance, and Alexander may have already received that impression which caused him, four years later, in the moment of his own extreme need, to send for Stein. But he was not likely to interfere purely on Stein's account; the question was whether he would not interfere to protect the King. It was well known that there had been a sort of romantic brotherhood between the two young Northern Monarchs, and Napoleon had contrived to gratify Alexander's feeling of patronage and his own malignant contempt at the same time by declaring in the Treaty of Tilsit that the King of Prussia was restored to his dominions out of Napoleon's regard for the Czar. Alexander, though he had not objected to take a part of his friend's territory, had accepted seriously the position of patron. He had interceded for a reduction of the indemnity; he now went to Erfurt intending to intercede again, and took Berlin on his way. It is true that he went with his mind made up to betray Europe including Prussia in return for what was offered him in Turkey, but he might be all the more solicitous on that account to protect his friend from anything in the nature of a slight.

We have already seen that Frederick William had accepted the position of protégé as seriously as Alexander

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that of patron. His foreign system at this time seems to have consisted in appealing to Russia against France. Thus he had told Stein and Scharnhorst that nothing could be done in the way of insurrection but with the permission of Russia. We shall find him now looking for help to Russia before he consents to part with Stein. For it appears that to part with Stein did really cost him a struggle and that he began by refusing to do so. On September 21st, the day of the arrival of the bad news from Paris, he wrote declaring the terms now imposed inadmissible and in particular insisting on the necessity of keeping Stein. He continued to cling to him for some time longer, and even after Stein had a second time pressed for his dismissal.

There is surely to be found in all these circumstances a sufficient explanation of the slight degree of forbearance which Napoleon showed. He stopped short of absolute coercion because the King declared Stein to be necessary to him, and because Alexander, who could not just at that moment be thwarted in such a manner, might be disposed to support the King. For these reasons he judged it necessary —not for a moment to give up his purpose, not for a moment to abate his haughty and menacing language, not even to hint that Stein's offence might be overlooked, but to allow a little delay and suffer the dismissal of Stein to take place in a manner not quite intolerable to the King's pride and therefore not likely to provoke the interference of Alexander. But his anger against Stein, so far from being, as was conjectured at the time, simulated, was actually dissimulated. We may conjecture what he would have done but for Alexander by what he actually did a month after. Then he proceeded to the last extremity, and it is not even certain that Stein's life was not his object. Why this difference? In the first place the King was not so much bound to resent the proscription of a private citizen as the proscription of his own Prime Minister. But we should also remark that the Decree of Proscription is dated Madrid. It was the rising in Spain that had made Napoleon for the

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time feel himself dependent upon Alexander. Without Russian help he could not hold down Germany while he poured his troops into Spain. But he doubtless considered the embarrassment momentary, for he had no doubt that the Spanish rising would subside in a moment at his approach. Everything had now turned out as he wished. Alexander had taken his bribe, by his help the new treaty had been forced on Prussia, the invasion of Spain had taken place, and he himself was in Madrid. The dangerous cape seemed to be doubled, and he had no further occasion to disquiet himself about Alexander. He therefore issues the Decree of Proscription at once.

But in the meanwhile not only observers but the parties most interested supposed Napoleon's anger to be less than it was, and to be partly feigned for diplomatic purposes. The King and Stein did not for some time convince themselves that what had happened would altogether sunder them. We have seen that the King refused on September 21st to accept Stein's resignation. But as the facts were not made public it was open to all who disliked Stein to believe the exact contrary, viz. that he had refused to allow himself to be dismissed. Thus for instance writes Marwitz:

> In our weakness, and as we could not go to war for him, he could not stay in office. The King and every one expected that he would wish for his dismissal, but this was not so. The King gave him to understand that he had better go, but he insisted instead that the King should keep him in defiance of Napoleon, and through the King's irresoluteness the matter dragged on for two months.

And then after mentioning the poem above inserted, which appeared in the Königsberger Zeitung on October 27th, as one of the contrivances of the Stein party to induce the King to keep him, he makes the following reflexion:

> What folly is showed publicly to exhort the King for his safety in danger to keep the Minister whom the despot Napoleon had already declared an outlaw!

In the midst of so much brisk invective delivered with

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such an air of superior knowledge of affairs, it is startling to come upon blunders which show old Marwitz to misconceive not merely the details but the main outlines of the history. Assuredly it never occurred to any one to commit such a folly. Napoleon did not declare Stein an outlaw till a month after the question of his retention in office had been set at rest, and when Napoleon had done so neither Stein nor any of his friends doubted for a moment that the proper course for him was to escape at once beyond the frontier.

If these statements of the Opposition have any foundation at all, they must be misrepresentations of the fact that Stein for some time thought it possible to resign his office without altogether separating himself from the King. Certainly he was not only ready but eager to lay down his office, and indeed had pressed upon the King, even before the affair of the letter, the necessity of a change of Ministers unless the insurrection policy were adopted. On the morning of the arrival of the Moniteur he offered his formal resignation. A letter came from Golz at Erfurt, dated October 9th, advising the King to devote himself unreservedly to France, and Stein himself to resign his office, settle his property on his wife or one of his children, and then live in the neighbourhood of the Court and continue to give his advice on financial questions. On October 18th Stein laid this letter before the King, accompanied with the following remarks:

Probably the Emperor Napoleon will be too much occupied with the Spanish war to trouble himself with me, and he will be satisfied if your Majesty deprives me of the position of confidence with which you have honoured me.

As this is now to take place, your Majesty will allow me,

(1) To lay before you the plan of Administration which, altered and adapted to suit the present state of public business, would be carried into effect at the moment of the evacuation of the country;

(2) To propose to you the nomination of the persons upon whom my official functions would devolve: in the choice of them I proceed on the principle that your Majesty wishes to restore the Monarchy on the principle hitherto adopted of respect for liberty of person and property, and to give

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a constitution summoning all intelligence and will to the help of the Government.

In this new administrative organisation I might find a place which without putting me forward would afford me the means of being still useful.

Count Golz speaks of unreserved devotion to France—I wish the example of the Powers which have followed this system, Holland, Spain, Sardinia, Etruria, were more reassuring.

The King gave what seems to have been his usual answer at this time, namely that he must wait before deciding for the return of the Czar. When Alexander came, he recommended, like Golz, "entire devotion to France," and in a private audience with Stein advised him that he might probably be able to retain his financial influence because Napoleon considered him as likely to succeed better than other financiers in raising the war contribution.

This fancy, like so many other fancies of the kind, was dissipated soon after by the Decree of Proscription. Had it been otherwise, are we to suppose that Stein was eager to be used by Napoleon as a leech or cupping instrument to draw out the life-blood of his country? We have seen Stein at the beginning of the year active in raising money for Napoleon, but this was in order to get rid of him. It was surely innocent in Alexander to suppose that he would show the same activity, or that Napoleon would expect him to show the same activity, in raising money now that he was perfectly satisfied that the exaction would never have an end. Nevertheless he was ready, if Napoleon would allow him, to continue to render what help he could to the King. On October 28th he explained in what way he was prepared to do so. He proposed that the new Council of State should now be constituted, and that he should take his place in it as a Privy Councillor without department. In this way it is certainly conceivable that he might have continued to exert the influence of a Prime Minister; he declares that he prefers it greatly to an ostensible complete retirement with retention of a secret influence, and in fact declines formally to accept this latter position. We seem to see here, as in the affair of the letter, a characteristic in-

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tolerance or incapacity of secrecy. The show of a complete retirement would seem to have been absolutely necessary to satisfy Napoleon, and it is not possible to imagine him appeased by the mere retirement of his enemy into a Council of State where he might still be, if the King chose it, omnipotent.

The view we have been led to take is that it had been from the time of the discovery of the letter, and continued always to be, Napoleon's intention that Stein should leave his office, and that sooner or later he would have intervened, if necessary, to expel him. But he may be supposed to have calculated that without any direct intervention of his, the King's knowledge that Stein was disagreeable to him and the King's sense of the urgent necessity of being on good terms with him, would lead to the dismissal of Stein. Now that Alexander was gone again, and the King became aware how completely he had committed himself to a policy which was not that of Stein, and Stein had a Second time offered his resignation, the connexion between King and Minister began to loosen as of itself, and it began to be treated as an understood thing that Stein's Ministry was to be wound up. The King had clung to the notion that he could resist Napoleon with the help of Alexander, but Alexander had given him to understand that this time he meant to go with Napoleon. We can follow with some distinctness the process by which the King drifted into new connexions and found himself, almost before he knew it, estranged from Stein. First comes an invitation from the Czar to St. Petersburg. We may imagine how gladly poor Queen Louise would emerge from the long eclipse of royalty and feel herself again both a Queen and a beauty in Russian drawing-rooms. And yet to accept such an invitation was an ominous step. Alexander just then was almost as real an enemy as Napoleon; those who saw Frederick William accepting Russian hospitalities might expect to see him next in company with Dalberg or King Jerome at the Tuileries and inscribed in the infamous roll of the Con-

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federation of the Rhine. Stein reported against the journey to St. Petersburg; it was not right, he said, just then to spend so much money; and the King could not help agreeing with him. But the poor Queen could not put up with the disappointment. A certain Nagler was found to respond to her feelings. He was brother-in-law to Altenstein, and Altenstein had looked up to Hardenberg as his patron. Thus as Stein's ascendancy waned, the party of Hardenberg began to separate itself again and form a distinct group among those who for a time had known no differences in the enthusiasm of reform. It began to be the word at court, that Stein was a good Minister for the people but not for the King.

The state of the King's mind early in November may be pretty clearly gathered from the following incident. We have seen how, as reform followed reform, the desire formed itself and grew to gather up the principal points of the new system into a kind of solemn symbol or confession of political faith which should at the same time make known to the whole people what Government had been doing for them and pledge the Government itself to continue in the course on which it had entered. On the 26th of September Stein had laid before the King for publication an enumeration of reforms made and contemplated. The King had sanctioned the publication with the words, "The article seems to me very properly drawn," and it had been sent both to the Königsberger and to the Hamburger Zeitung. The substance of it had appeared in French in the Moniteur of October 15th. It was now proposed to give this article the form of a royal Proclamation and issue it in such a way that it should be certain to become known to the whole country. In this form it was laid before the King about the beginning of October, that is, at the moment when he decisively rejected the insurrection policy of Stein. He now made some objections, but when it was presented to him again on November 6th, having received the alterations he had demanded, he sent a refusal to sign it in the following terms;

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I have thought myself still obliged, for reasons known to you, to refrain from ratifying the altered Proclamation which was laid before me yesterday. You know, and it cannot have remained doubtful to you, how much I have at heart your retention in the Ministry: yet I cannot shut out the thought that many hindrances will still probably be thrown in the way of this, and that in any case it will be advisable to wait for the return of Count Golz before allowing my definitive resolutions on this and so many other important subjects to come before the public. To confess this to you frankly was the object of these lines.

Königsberg, Nov. 7th, 1808. FRIEDRICH WILHELM.

It is easy to read the King's thoughts in this letter. He has evidently ceased to regard Stein as his Minister, though thinking of him with good will and individually still disposed to keep him. He seems indeed to be preparing himself not merely for a new adviser, but for such a change of measures as an English King accepts when the Whigs go out and the Tories come in; for his reason for refusing to sign the Proclamation seems to be that it contains a statement of Stein's political principles.

Stein, as might be expected, sent in a new petition for his dismissal on the same day. He begins by remarking that the Proclamation contains merely a recognition of certain principles of administration and government, the soundness of which is independent of his personal participation in public affairs, and that in his absence men will always be found to carry them out. He proceeds to say that the arrival of Count Golz can in his opinion decide nothing, since "the views of that person, who is good-natured but subject to all sorts of overwhelming influence, are well known,—he counsels with heart and mouth unbounded compliance, and his courage will not have been strengthened by his crossing the Weichsel." His decision is that the anxieties arising out of his retention can only be removed by his dismissal, which is to him desirable because many minds probably are disquieted by his continuance in the Administration, because it may perhaps serve as a pretext to justify violences leading to a deplorable future, and because it seems to him that after the return to Berlin

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the struggle of weak and common views with the better cause will begin with more violence and persistency.

The King's reply to this says nothing about the petition for dismissal, and merely repeats that nothing can be settled till the arrival of Count Golz.

We see then that as early as November 7th, the King's mind is practically made up to dismiss Stein, and every day that passed over him helped to dissipate what remained of his indecision. That Napoleon meant Stein to retire could hardly be doubtful. If he himself under the pressure of greater affairs had allowed the matter to escape him, Stein had plenty of enemies who would remind him of it. But surely it would be a great mistake to suppose that Napoleon regarded Stein and his plans of insurrection with contempt. If Germany should actually explode as Spain had done it would be scarcely possible for Napoleon to maintain his former ascendancy. He knew what a spirit was rising in Austria, and Stein's letter informed him of discontents in Westphalia. If the German character might want the fire of the Spanish, who could say how far this deficiency might be compensated by energetic leaders? There was every reason for regarding Stein as capable of proving such a leader, and we may boldly say that his expulsion from North Germany was not a measure of extreme circumspection but an urgently necessary measure for Napoleon, if he would not have North Germany as well as Austria on his hands in the next spring. Indeed the notion that after he left Erfurt he ceased to think of Stein until in December again something reminded him of him, when he indulged his tyrannical malice by launching the Decree of Proscription, is sufficiently disproved by the following sentence in the 3rd Bulletin written on November 13th, after the taking of Burgos:

Il faudrait que les hommes comme M. de Stein qui à défaut des troupes de ligne qui n'ont pu résister à nos aigles méditent le sublime projet de lever les masses, fussent témoins des malheurs qu'elles entraînent et du peu d'obstacles que cette ressource peut offrir à des troupes réglées.

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The course taken by the French at Berlin in the month of November was precisely such as would be taken if Napoleon had given the word to drive the Minister from office by unceasing agitation. The clamour which he himself and Champagny had begun was now pertinaciously continued by Davoust, Daru, and Bignon. As a matter of course, the Prussian Opposition, whose head-quarters were also at Berlin, swelled the chorus, and it was not unnatural that some of the friends of Stein should declare that these were his real enemies, and that but for their indefatigable virulence, the French would have allowed his offence to be buried in oblivion. We can easily believe that they did what they could, but Stein was really so dangerous, and it was so essential to the French, at the moment when their army evacuated Prussia, when the Prussian nation seemed to raise its head again, and Schill himself was on the point of entering Berlin in a kind of triumph, to snatch from them a leader who might speedily have kindled all Germany; moreover Napoleon's utterances show him to have been so well aware of this, that we must think the conclusion to which the Opposition so zealously urged the French was really foregone.

Nor is it to be perceived that the Davousts and Darus waited for the persuasion of their Prussian partisans, or showed themselves in any way to need the spur of their exhortations. On the contrary they professed to act according to Napoleon's instructions and they predicted early in November the proscription of Stein which followed *. The importance of the clamour they raised and of the counter-clamour with which Stein's friends met it, is none the less on that account, but it is of a different kind. Not only did newspapers take up the debate and open themselves to party rhetoric and political verses, as if the country had been England, but petitions against Stein's dismissal were sent round in Königsberg and the neighbourhood and largely signed by officials, proprietors and citizens, while a protest

* Pertz, II. 279.

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against the petition was sent round by the other side, which however only found seven signatures. If it is unreasonable to suppose that this agitation determined the result which was determined beforehand by the will of Napoleon, yet it may remind us of the contention of the Petitioners and the Abhorrers in our own history, and has proved like that the commencement of a great party-division.

Meanwhile the French leaders at Berlin established a sort of reign of terror. Under pretence of tracking the plot which Stein's letter unfortunately gave them some pretext for assuming to exist, many acts of violence were done and many arbitrary arrests took place. The persons who fell under suspicion were often such as deserved it least, for the French had little knowledge of Prussian society and were reduced to follow the most accidental clues. H. v. Troschke, above mentioned as co-proprietor with Stein of the estate of Birnbaum, was seized, threatened with military execution, and his papers taken from him in the vague hope of finding something that would criminate Stein. It was natural also to suspect Prince Wittgenstein, though, as far as appears, only Stein's reckless communicativeness could have given him momentarily the character of a patriot. An outrageous fable was circulated, implicating him along with a great court lady, the Countess Voss, in a plot to murder Napoleon. The lady in question held the office of Oberhofmeisterin. She was now eighty years of age, and half a century before had been driven into a marriage only half happy by the persecuting addresses of the King's grandfather, Frederick the Great's unfortunate brother August Wilhelm. Her father had been present at Malplaquet and she herself lived to see the Battle of Leipzig. She was now the centre of the Court almost more than Queen Louise herself, to whom she stood in a kind of maternal relation. Her diary, extending over 54 years of court life, has lately been published. It shows her to have been intimate with Prince Wittgenstein, to whom also a court-atmosphere was natural. In the note which she makes of the intercepted letter she remarks with satisfaction

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that Wittgenstein is not compromised by it. The story which was now circulated represented her as having written a letter to Wittgenstein at Hamburg to secure his assistance in a scheme for administering poison to Napoleon at Bayonne. Such was her animosity, it was said, against the oppressor from whom her royal mistress had suffered so much, that her very parrot was taught to repeat opprobrious speeches against him. It is curious that her diary is completely silent about all these stories, which must have given the old lady much annoyance at this time, and about the persecution to which her friend was subjected. For the Prince was arrested and lay in prison some time on this charge.

Suspicion at the same time fell upon the learned class, though Fichte's Lectures had passed unnoticed a few months before. Daru had claims to be thought a *savant* himself, and might have been expected perhaps to know what was fermenting in the minds of his brethren. But here too the French appeared equally in the dark. They were not far out when Davoust sent for Schleiermacher and loaded him with reproaches, but Wolf too was called in question, though the patriots regarded him as being not less a corrupt spot among the philologers than was Goethe among the poets.

Equally surprising is it to find Schmalz among the suspected, the very person who in the next period at the beginning of the Peace gave the signal of reaction against the influence of the patriotic party which had taken the lead in the War of Liberation. He was a Professor of Public Law, and had been requested by Schön to draw up an account of the Administrative Reform to be inserted in the newspapers. Through the French censorship news of this came to Davoust, who made a great outcry and arrested the Professor.

Meanwhile it began to be generally understood that the question of the day was no longer whether Stein should continue in office but who should succeed to his power. It was a question of immense importance at that moment, when so

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many innovations had become law but had not yet been carried into effect, so many had been resolved on but had not yet become law, and so many more had been conceived but not yet resolved on. As the King declared that he only parted with Stein from necessity, the logical course would have been to appoint in his place the man most likely to tread in his steps. But it was evidently improbable that the change of persons would take place without at least some change of policy. It was to be feared that in any case the tide of reform would rise no higher. No one was at hand who if he wished it could sway that tide as Stein had done, and it was likely that the King would choose the moment of a change of Ministers to relax his energy a little. But there was danger of a much more serious retrogression than this. New Ministers might drop some important plans which were near completion, and if by some mistake on the part of the King or through some pressure exerted upon him an enemy open or secret of the Reform policy should succeed to Stein, it seemed not impossible that he might undo all that had been done to the Emancipating Edict itself. But what no doubt Stein apprehended most was that his Administrative Reform, which he regarded as his peculiar work and which was in its last stages, should, as it were, founder at the harbour's mouth, and the administration sink back into that confusion which had led to the catastrophe of Jena. The attempt has been made above to describe the old administration of Prussia, and to state precisely both what changes Stein intended to make in it and what changes we find when we examine the present administrative system of Prussia to be actually traceable to Stein. Let us now look for a moment at the provisional system which obtained at the moment of his resignation. For a considerable change had taken place since he received his first dictatorial commission in October 1807.

This change had been undertaken by him after his return from Berlin in May and had been executed by an Ordinance which received the King's signature on August 25th. It

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had consisted principally in two points, viz. first the abolition of that Immediate Commission which had been the instrument of his earlier legislative achievements, and the absorption of its members into a grand department of internal Government called the General Finance and Police Department, and secondly of the institution of the General Conference. With this rearrangement Stein had exchanged his indefinite dictatorial commission for the position of Chief of the new department. Its extent is thus defined:

> It embraces everything which has reference to the Administration of the Interior and of the Finances in general, so that there remains excluded only, the direction of Foreign Affairs, War and Justice. To it belongs everything which hitherto has required the sanction of Minister the Baron vom Stein, particularly all new legislation and new organisation, and this for primary initiation when it concerns the whole, but for cooperation when the subject is merely local and concerns only a part.

It will be observed that this Department coincides with the two Departments of the Interior and of Finance as they are marked out in his definitive scheme. But besides this Stein reserved to himself the direction of the Bank and the Maritime Institute.

The General Conference was a provisional or inchoate form of that Council of State to which Stein attached so much importance. It is laid down that

> The object of these General Conferences is the needful union of all the higher Administative Departments into a whole for the maintenance of a general oversight and coherence of the most important affairs of administration and for the avoidance of onesided principles and arrangements prejudicial to the general interest. This union therefore has for its object unity, vigour and rapidity in the administrative action of the State.

At the General Conference Stein himself was to preside, all the members of the General Department of Finance and Police and the Chiefs of the other departments had each a seat and voice. The regular meetings were held every Wednesday, extraordinary meetings at the pleasure of the President.

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At the time of Stein's retirement this system was in full operation, the first General Conference having been held on September 1st. It seems to have been taken for granted that, the exceptional state of things caused by the disasters of the war being brought to an end with the departure of the French army, the dictatorial powers held by Stein were not to pass to any successor, but that they were to be divided between two Ministers in the manner defined in Stein's definitive scheme, viz. a Minister of the Interior and a Minister of Finance. Accordingly the absorbing question of the month of November, when it had become clear that Stein must retire, was of the choice of two Ministers to succeed him; and to his own party it appeared that the whole future well-being of the country depended upon the choice being made from their own number or at least not from the Opposition.

The Candidates of the party were Schön for Finance Minister and Count Dohna-Schlobitten for the Interior. Much has already been said of Schön's character. It seems to me impossible any longer to speak of him in the language which used to be fashionable—as Stein's Mentor, superior to him intellectually and perhaps not inferior in any respect. The documents now before us display a character of inordinate self-conceit and envy, and an intellect not so remarkable as we had been led to suppose. It would be much in his favour that Stein thought so well of him as we have many proofs that he did, were it not evident that Stein's weakest point was a careless magnanimity which gave people, provided they were free from certain faults for which he had no indulgence, credit for almost all the virtues they laid claim to. Nevertheless Schön made at this time so favourable an impression upon others beside Stein, and was so generally thought a man of force and character, that it is safest to suppose that he appears below himself in his written compositions; and as he had undoubtedly given much attention to finance and was an experienced administrator, we may be willing to believe that

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the Stein party were not wrong in now putting him forward.

Count Dohna-Schlobitten completely disappointed all the hopes that the party reposed in him, showing himself in office completely devoid of purpose or force. When Schön writes, "He was known for a thoroughly fine fellow whose noble heart often led where only the most lucid intelligence is able to lead," he seems to hint that his intelligence was not very lucid, and as to the flourish of eulogy we shall soon discover that Schön regarded Dohna very differently at the time.

Meanwhile the Opposition put forward their candidate. This was Voss, who at the time when Stein first became a Minister of State, had been, according to the provincial system then followed, Minister for the Marks, Pomerania and South Prussia. He was at this time at the head of the Commission which negotiated with Daru at Berlin the affairs of the indemnity. It will be remembered that a certain Sack had held this position, but that Daru had held himself affronted by being expected to negotiate with one who had not the title of Excellency. He had at last declined to meet him, and when Stein at the end of May had found it impossible any longer to conduct the negotiation in person, he had recommended that the Ex-Minister Voss, who had already had communications with Daru and with whose rank no fault could be found, should take Sack's place. He was a man of the old regime and had observed Stein's innovations with much the same feelings as Yorck, whose highly characteristic criticism was given above. He had now lived for some time at Berlin in close connexion both with the Opposition and with the French officials. He fully shared the singular opinion, which to the Berlin clique seemed so self-evident that it was folly or hypocrisy to question it, that there was no ground whatever for regarding the French with suspicion or animosity, and that the only rational footing for intercourse with them was the most unreserved and friendly confidence and compliance.

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No one could represent the old system better, and if the King had it in mind to make a change of policy at the same time as a change of Ministry there could be no more respectable head of a Ministry of reaction than Voss. He now put himself forward as candidate for the post and, to prove his official activity, sent the King forty-two reports by a single courier. On November 14th arrived from him a certain D'Aubier, carrying to the King a kind of political programme, to be adopted by the King on his return to Berlin. It was, in one word, complete submission to France, reduction of the army, dismissal of all officials who were open to the least suspicion of patriotism, and repudiation of all revolutionary schemes intended to set up a National Assembly in Berlin, and murderous schemes against Napoleon's life.

Everything shows that the King, though his behaviour to Stein had perhaps never been altogether cordial, did to a certain extent admire him and believe in him. Stein himself tells us that this ridiculous overture did not and could not make the smallest impression upon him, and the country was saved from all the evils of a violent and insensate reaction.

There was a middle course. Bitter experience had taught the King what mistakes he had made in the early part of his reign in the choice of advisers; slowly he had learnt to distinguish in some degree between a man with a character and a mere courtier, a man with a head and a mere official. Now that he was obliged to part with Stein, he remembered the other adviser who alone deserved to be compared with him and who, a year before, had struggled along with him against Beyme; he remembered Hardenberg. Perhaps it struck him that Stein and Hardenberg resembled each other in the way in which they had been treated by Napoleon, for only a year and a half before Napoleon had declared that he would rather fight forty years than negotiate while Hardenberg continued in office. It may have occurred to him that if Nature had denied to

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himself the power of reading character, she had granted that talent to Napoleon, and that he might avail himself of Napoleon's discernment by simply reversing his conclusion, for it was tolerably safe to conclude that any Minister whom Napoleon wished to expel from power in Prussia must be a good one. Not that it would be safe to recall Hardenberg, but the King wished at least to obtain his advice at such an important crisis. He was living in retirement at Marienwerder.

It is not very clear in what form the application for his advice was made. According to Schön, who was likely to have good information, as he was so intimately concerned, Stein's list of Ministers was simply laid before Hardenberg for his opinion, and Hardenberg, hoping by this means to recover his personal influence in the King's counsels—so he himself avowed later to Schön – proposed his own protégé Altenstein to be Finance Minister in the place of Schön. According to this account the appointment was substantially Hardenberg's and the responsibility of it lies with him. That the King should adopt his suggestion after having given him the trouble of advising, and while he accepted Stein's choice for the Ministry of the Interior, would seem almost inevitable, and it would be little better than spiteful to remark that Altenstein was Nagler's connexion, and that it was understood in the Queen's closet that Altenstein, if he were appointed, would find the money for the visit to St. Petersburg. The other account throws the responsibility on the King and Queen, and makes this unworthy personal motive the ruling one, for it represents the King as proposing to Hardenberg on the suggestion of Nagler the question whether he preferred Schön or Altenstein for Minister of Finance, a question which, considering Hardenberg's personal relations with Altenstein, it was hardly possible for him to answer but in one way. But it is strongly against this version of the matter that Schön, who seldom errs on the magnanimous side, knows nothing of it.

As it proved, Altenstein performed for Hardenberg the

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service which Addington rendered to Pitt between 1800 and 1804. He kept the place warm for him, until in 1810 Hardenberg, Napoleon's distrust of him being at last forgotten, pushed his nominee on one side and returned to power, reviving the dictatorial system which he had first introduced in 1806 and under which Stein had afterwards governed.

Thus Dohna and Altenstein succeeded to the power laid down by Stein. Golz continued to hold the Foreign Portfolio; nothing better could be suggested, since subserviency to France was to be the order of the day. Beyme had the Department of Justice with the title of High Chancellor, and thus Beyme's favour outlived in the end that of his adversary Stein, though it is to be remarked that the objection had never been to Beyme's character, but to his unsatisfactory relation as a Cabinet Secretary to the King and the Ministers, and that he now appeared as a legitimate and responsible Minister. If we regard Beyme as the King's nominee, Altenstein as Hardenberg's, and Dohna as Stein's, it may appear that the new Ministry was an honest attempt to do the best for the country which was possible when all distinguished talent was proscribed by Napoleon. There was one redeeming point, perhaps the most important of all. Stein himself, it may be, could be better spared than Scharnhorst, and Scharnhorst remained at the War Department. His want of dash and self-assertion has been remarked above as possibly a defect in his military character, but it was most fortunate that he succeeded in escaping notice now. Many believed that his reticence and reserve were calculated, or that they were the effect of the rebuffs and slights to which his want of birth had exposed him. "He is a crafty man in his way," writes Schön. It does not appear that Napoleon, even when his suspicions were most roused, ever discovered the great organiser at the head of the Prussian military administration. Yet what must have been the fate of Prussia if he had insisted upon placing som puzzle-headed Mack or Massenbach there?

We shall see that with this exception the new arrange-

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ment had no success. Not only did Dohna and Altenstein completely disappoint expectation, but the reformed system was evidently too new to bear so sudden a change, so that their failure was not the ordinary failure of inefficient Ministers which leaves room for much efficient action in that part of government which moves automatically, but an almost complete collapse of Government. Hardenberg's intervention in 1810 probably saved the last wreck of the State, but it was an aggravation of the blow which now fell on Stein, that he could not then or for long after think that though he had fallen himself his work remained. What he had done was perhaps in amount more than he had expected to do; it was more than has been done by almost any other statesman in an equal time. But it seemed to have been done in vain, and to be likely in no long time to perish in the ruin that threatened the Prussian Monarchy.

Before he retired Stein reported on one more matter of importance which had been laid before him by the King, and the last counsel he gave his sovereign was not the least characteristic and instructive. What time should be fixed for the visit to St. Petersburg? and Was it advisable for the royal family to return at once to Berlin now that the evacuation of it by the French troops made return possible? These two questions were submitted to him, and Stein's report is dated November 22nd.

Those who were connected with this Ministry of Reform, when later they looked back upon the period which the King spent at Königsberg, were aware that one cause why so many reforms were accomplished was that the King was at Königsberg and not at Berlin. In other words, he rose above himself when he was separated from his Court. In general it may be observed of the absolute monarchies of the Continent in the 17th and 18th centuries, that the institution of Monarchy was beneficial but that it was corrupted by its association with a Court. The vigorous and successful Monarchs of that age—there were many—almost always

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quarrelled with court-life. Such had been conspicuously the case with Frederick William I. and Frederick the Great; such also with the Czar Peter, Charles XII., the Emperor Joseph. The violent catastrophe of Monarchy in France was not less conspicuously caused by the luxuriance with which court-life had been allowed to flourish and the elaboration with which the Kings had cultivated it. In France the King was swallowed up by the Court, his life sacrificed to its ceremonial, his intellect sophisticated, and his very sense of his own interest confused by its artificial ways of thinking. It is in this light that the Court appears to Stein, and he evidently fears that the return to Berlin will be equivalent to a return to that corrupting atmosphere from which the King had imbibed the feebleness which had ruined his reign. After speaking of the joy with which the people will welcome the King back to his capital, he continues thus:

> At the same time residence in Berlin will bring the King into immediate contact with all the machinery of domestic and foreign intrigue which is now set in such violent motion, he will be watched more carefully on all sides, and *will not be able to act with so much external independence in the great events which are to be expected in the following year.*
>
> He must accordingly secure himself against the influence of foreign Cabals, withdraw himself more from observation, and maintain as much as possible his external independence.
>
> One of the principal instruments of the domestic Cabal is General Köckeritz. He is the point of union for a multitude of people partly weak, timid and inert, partly slaves of old routine, partly subject to foreign influence; he is the channel through which their opinions reach the Sovereign, and a spy upon his resolutions, and he very often hinders the access of well-disposed people to the Sovereign. His dismissal would have the most beneficial results, and would be a mark of the Sovereign's esteem for the opinion of the well-disposed and faithful servants of his person and his State.

On the point of taking his departure Stein sees no reason for sparing Köckeritz any longer. His wrath against him has now been pent up for two years and a half, since the time when out of consideration for the King's feelings he omitted a similar attack in his Representation of the Faulty Organisation, &c. (Vol. I. p. 204). He continues:

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Things of the greatest moment are read and spoken of in the interior of the family, very much of less importance is discussed in the evening at tea, the chamber of Frau v. Voss is not without visitors, here are seen ambassadors, soldiers, men of affairs, people of all sorts and ways of thinking—how is it possible with such an arrangement to keep secrets? The most important affairs become the talk of the town—it is known, for instance, that I have laid Don Cevallos' Memoir before the King, and the contents of this document, so disgraceful to Napoleon, are made known,—it is known to women of no mark what persons have been proposed by me for Finance Minister and Minister of the Interior—*now* when it is of the utmost importance that my share in these appointments should remain secret.

It is necessary therefore that the Court should consist only of persons of perfect rectitude and reticence, who deserve to be near the Sovereign. —— is charged with a disposition to chattering and a propensity to lying; does such a person deserve to share the entire life of the royal family? —— is notorious for his interested views, his covetousness, which expresses itself in many ways, he is an invalid, his whole appearance a caricature; strange, that the choice and oversight over the King's servants should remain entrusted to him! I had reason to hope that H. v. Maltzahn would obtain his place, this hope seems now frustrated.

Let these people be dismissed, and let the visits which the Countess Voss receives be differently arranged; let her fix certain days and hours for seeing people, and be inaccessible at other times.

The Countess has not a word in her diary, recently published, about this attack upon her receptions. Stein adds:

Residence in Berlin should not be declared or considered as a fixed arrangement, but the King's resolution often and for long periods to visit his other capitals, such as Königsberg and Breslau, ought to be announced. It would be very advisable to send the Crown Prince to study at Königsberg.

If the return to Berlin is necessary and beneficial as gratifying the hopes and quieting the doubts of many people, the visit to St. Petersburg would have to be postponed. This would besides have the appearance abroad of a political journey, and throw open to no good purpose a wide field to conjecture and speculation, so that it is advisable to postpone it till the summer.

The visit to St. Petersburg was not given up, but it is observable that the King remained for a whole year longer at Königsberg and also that in 1813, when he at last roused himself to resist the tyrant, his first step was to quit Berlin for Breslau.

Two days after the date of this report, on November

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24th, Stein procured the royal assent to his great scheme of Administrative Reform, and laid down his office.

The King declared that he sanctioned the scheme "with full assurance of its solidity," but, as we have seen, for want of the last formality, publication, it did not become a law. He at the same time declares that he will pay the greatest regard to the list of recommendations to appointments which Stein had sent in, and would have accepted it at once, but that he thought it right that the new heads of departments should have a voice in the matter, and of these, Count Dohna was absent. He adds:

> It is indeed a most painful feeling to me that I am compelled to part with a man of your sort who had the most just claim on my confidence and at the same time had the public confidence in the most lively degree.
>
> It is a consolation that these reflexions, and with them the consciousness of having laid the first foundation, given the first impulse to a new, improved, and strenghtened organisation of the fabric of the State, which lay in ruins, must afford you the deepest and at the same time the noblest satisfaction and solace.
>
> FRIEDRICH WILHELM.

CHAPTER V.

STEIN'S PROSCRIPTION.

STEIN was now in circumstances similar to those in which Hardenberg had found himself in the middle of 1807. He was about to lay down a dictatorship and to transmit the government of the State into other hands. But in another respect his circumstances were unlike, for he had considerable doubt of the ability of his successors to carry on his work, whereas Hardenberg knew that a strong man, a man in matters of internal government stronger than himself, was to succeed him. In spite of this difference, however, he felt no less than Hardenberg had felt a desire to leave behind him some written document which might convey his opinion about the requirements of the State. We

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remember Hardenberg's Political Testament, how he composed a sort of pamphlet, in which he examined each department of State and suggested, much at his ease, the sweeping changes that another was to introduce. Stein was induced by somewhat different considerations to leave a Political Testament. He was no friend of unnecessary writing; scarcely ever in his life, indeed, did he write anything without an immediate practical object. But his work was broken in the middle, and he wanted his successors to know what plans he had been prevented from bringing forward. It was also urgently necessary, even at the risk of appearing to boast or to preach, that he should leave some testimony to the high principles and objects he had kept before his mind, which were now only too likely to be forgotten. It seems that he had been turning this plan over in his thoughts for some time. A general account of the changes recently made in Prussia had been admitted, though naturally without any mention of Stein's name, into the Moniteur of October 15th. We have seen him also recommending the King to publish a similar recital in a proclamation to his people, and how the King declined to do this, apparently for the very reason for which Stein desired it to be done, namely, that it would commit him to the Stein policy. The draught of this Proclamation lies before us and bears date October 21st. So far as it merely recapitulates what the reader knows already it need not detain us, but what does it reveal about the further schemes which the Administration had in view? To show this I extract the following paragraphs, observing that their language was necessarily made somewhat general, both because the designs they announced were not yet quite mature, and because they were announced within hearing of Napoleon.

Wherever a distinction of rights between citizen and citizen still remains it must be levelled.

All inequalities in the laws and in legal procedure must be removed, every special jurisdiction must cease; for jurisdiction flows from sovereign power,

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not from landownership, and all citizens of the State must be equal before the law and before the laws.

In the military class you see already all exclusive pretensions abolished. For the future only the better-grounded pretensions of merit, of personal worth and attainments, must be recognized in that service, and through them it must be open to the meanest and poorest as to the highest in rank and wealth to reach the highest degrees of military honour. No longer must degrading treatment crush and harden the defender of the country, no disgraceful corporal punishment make the man of honour shrink from gladly fulfilling the sacred duty, common to all citizens, of bearing arms for the fatherland.

Your King at the same time meditates giving simplicity and promptitude to the administration of your affairs and to the despatch of business in all the offices from the highest to the lowest. It is my earnest desire that henceforth there be no longer more writing than doing, that so much time be no longer wasted in empty formalities. This is not the place to make known what has been resolved with this object. It shall be made known at the proper time. No branch either of the Constitution or of the Administration of the State but awaits important improvements.

Lest however in your anxiety for what is temporal you overlook what is eternal I shall make religion and its exercise my special and preeminent care. To the end that this inmost source of life, whence comes strength to perform all duties of the man and the citizen, be never dried up within you, there shall be held watchful oversight alike over the sanctity of public worship, and over the purity and blamelessness of the order which is devoted exclusively to the service of religion and is bound by doctrine and example to be as guides and instructors to adult men, and protection and furtherance shall be rendered, without distinction of confessions, to their consideration and dignity.

Also the education of youth to become a vigorous generation, maintaining and unfolding further the high objects of the State, is already the subject of the serious consideration of the officials presiding over that province and will continue to be so. The youth of Prussia must at last enter into the enjoyment of the long-prepared uniform system of national culture based upon a new and solid foundation. The zeal and energy of the men devoted to this honourable occupation must be supported by my most sympathetic care even for their material welfare.

If we examine these paragraphs carefully, we shall find that they point partly at measures which we have already considered, but that they also announce further measures soon to be proposed. In the military paragraph the principle of universal conscription is very timidly and obscurely intimated. The paragraph immediately following describes plainly the Administrative Reform, which was so nearly complete, in its two great parts, the Reform of the Central and that of the Local Administration. But it seems to hint

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at something more. The statement that the Constitution as well as the Administration will receive important alterations is evidently not inserted for nothing. Such an expression is evidently of the kind that would be used if, for example, some experiment in parliamentary government were about to be made.

Besides this we make out the following programme, (1) Abolition of patrimonial jurisdiction, (2) an Ecclesiastical Reform, (3) an Educational Reform.

A Political Testament would naturally take a somewhat different form from a Proclamation, as being intended for circulation, not among the people, but only among a few officials, and therefore admitting of more particularity and precision. The document which was now, in the last days of Stein's official life, drawn up differs just so from the Proclamation. It is as follows:

Circumstances which it is needless to describe demanded my retirement from the public service, for which I live and for which I shall live.

In foreign affairs necessity rules with such powerful sway that the voice of an individual has here little effect. I gave my attention to internal administration. The problem was to remove the discord (Disharmonie) which exists in the nation, to terminate the strife of classes which destroyed our happiness, to create for each man the legal possibility of developing his powers freely in a moral direction, and in this way to force the nation to love King and Country in such sort as gladly to devote property and life for them.

With your assistance, gentlemen, much is already done. The last relic of slavery, hereditary serfdom, is abolished, and that sure bulwark of a throne, the will of free men, is set up. The unrestricted right to the acquisition of landed property has been proclaimed. To the people has been restored the permission to furnish themselves with the first necessaries of life. The Towns have been freed from tutelage, and other fetters of less importance, which only benefited individuals and so injured patriotism, have been loosed. Let what has been already done be firmly maintained, and but few capital steps remain to be taken. I take the liberty of enumerating them to you one by one, not to guide your actions, for your insight and patriotism need no guidance, but to give you a standard by which you may estimate my actions and views.

1. Government can only proceed from the Sovereign Power. When the right to determine and guide the actions of a fellow-subject can be inherited and purchased with a piece of ground, the Sovereign Power loses at once its dignity, and in the aggrieved subject attachment to the State is weakened. Be no man master but the King so far as that term denotes the power of police,

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and let his prerogative be exercised by his delegate alone. Proposals for carrying out this principle have already issued from the General Department.

2. Let him who has jurisdiction be dependent only on the Sovereign Power. For it weakens the belief in its own indefeasible right, it shakes the opinion of its own high dignity and the sense of its inviolable sanctity, when it forces a subject to seek justice in a court where the judge is dependent on his adversary. The abolition of Patrimonial Jurisdiction is already initiated.

3. Hereditary serfdom is abolished. In some districts however there subsist Ordinances of Service which abridge the liberty of the people. Attempts have also been made, as the last report of the Civil Commissaries of the Province of Silesia shows, to restore hereditary serfdom in some points by new Ordinances of Service. On this side will the most violent assault be made upon the first Fundamental Law of our State, our Habeas Corpus Act. Till now these attempts seemed to me to deserve no attention, partly because they were made only by some landowners, who are not the nation but only the smallest part of it, but especially because it was not to be thought of that these individuals should make gain at the expense of the personality of numerous fellow-subjects. In my opinion no new Ordinances of Service are needed but only the abolition of those which exist. What the Code enacts about the condition of servants seems to me fully sufficient. On those three propositions the freedom of the subject, his right and his fidelity, are grounded. All arrangements which are deduced from them can only do good. The next means of improvement seems to be

4. A universal national representation. May the right and power of our King ever remain to us, as they were to me, sacred! But that this right and this unrestricted power may do the good which it is in them to do, it seemed to me necessary to give to the Sovereign Power a means of informing itself of the wishes of the nation, and of giving life to its decrees. When the nation is entirely denied a share in operations of the State, when it is forbidden even to administer its own communal affairs, it is speedily led to regard the Government as either indifferent, or in particular cases as even opposed to itself. Hence the resistance, or at least coldness, which is shown when sacrifices are demanded for the existence of the State. Hitherto where popular representation existed among us it was most imperfectly organised. My plan therefore was that every active citizen of the State, whether he possessed 100 hides or one, whether he was engaged in agriculture, manufacture, or trade, whether he had the business of a citizen, or was attached to the State by intellectual ties, had a right to representation. Several plans which have been submitted to me have been by me laid before the King. On the execution or rejection of such a plan depends the weal or woe of our State, for in this way only can the spirit of the nation be positively awakened and quickened.

5. Between our two principal classes, that of the noblesse and that of the citizen, there exists absolutely no connexion. In passing from the one to the other a man renounces his former class entirely. This has produced of necessity the tension which we see. The noblesse is too numerous to maintain the high importance which may be attributed to it, and it is constantly increasing in numbers. In the occupation which till now it monopolised and the

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official service to which it alone was admitted it has been necessary for the preservation of the whole State to allow competition. The noblesse will be obliged in consequence to enter into businesses and occupations which conflict with the distinction to which it lays claim in right of birth. This will make it an object of mockery, and will deprive it by a speedy consequence even of the respect to which the nobleman is entitled merely as a citizen of the State. At present every class separately demands the support of the Sovereign Power, and whatever good, whatever right, is done to one, another regards as a derogation. This injures public spirit and confidence in the Government. This view has led me to recognize the necessity of a reform of the noblesse. The negotiations on this subject lie before you. By a union of the noblesse with the other Estates the nation will be linked together so as to form a whole, and at the same time the memory of noble actions which deserve immortality will be preserved in a higher degree. This union meanwhile will

6. Give a vital foundation to the universal obligation to defend the country, and this universality also must of necessity excite a corresponding zeal for the Government in every class. The peasant-class alone, having been so long held back by hereditary serfdom, will still need some positive support to increase its personal sense of importance. Under this head I place

7. The adoption of legal measures for the abolition of corvées. Fixed Services rendered by the possessor of one piece of land to the possessor of another are indeed no evil in themselves, provided that personal freedom is possessed along with them. Still such services bring with them a certain dependence, a certain arbitrary treatment of those who serve, which is prejudicial to the national spirit. It only needs that the State should create the legal possibility of the extinction of them (just as it favours the dissolution of commonalties) so that each may be able to demand a settlement on fixed conditions. This will be sufficient, taken together with that progress of the people which must necessarily follow from those fundamental principles, to cause those who owe such services to make use of the permission granted to them.

8. In order however that all these arrangements may fully attain their end, the internal development of the nation, and that loyalty and faith, love to King and Country, may truly prosper; the religious feeling of the people must be quickened into new life. This cannot be accomplished by prescriptions and ordinances alone. And yet it behoves the Government earnestly to take to heart this great interest, and by the dismissal of unworthy clergymen, the rejection of frivolous or ignorant Candidates, and the improvement of theological seminaries, to restore the dignity of the clerical order; and also by an appropriate settlement of clerical dues, and by provision for the decorous solemnity of the external worship of God, to promote attachment to the ecclesiastical institutions.

9. In this department however, as in general, most is to be expected from the education and instruction of youth. Could we by a method grounded on the internal nature of man develope from within every spiritual gift, rouse and nourish every noble principle of life, carefully avoiding one-sided culture,

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could we diligently nurse those instincts, hitherto so often with shallow indifference disregarded, on which rests the force and dignity of man,

Love to God, King, and Fatherland,

then might we hope to see a generation grow up vigorous both in body and soul, and a better prospect for the future unfold itself. Assuredly if the views here suggested should be seriously pursued, all small defects of our Constitution, for example the defects of our financial system, will speedly disappear. I may be allowed, gentlemen, to congratulate you on being called to this task, and even though many difficulties await you, your courage will be sustained and the success of your endeavours assured by a sense of the importance of the work and by the good will and constancy of the King, for which pledges have been given in the new arrangements, civil and military, which have been made.

This Testament is dated November 24th, that is, the day of Stein's resignation, but he delayed for some time afterwards to add his signature. The document resembles closely in its general design and in its substance the draught Proclamation to which I have compared it, but is much more definite and conveys in plain language many things which in the Proclamation were only hinted at. In particular we discover from it that Stein had advanced some way in the preparation of a scheme of national representation, and also that he meditated a reform of the noblesse.

The former discovery, though it will not surprise us, is evidently of the greatest importance, and we should be glad to be able to add from other sources further information about the scheme. What in later life Stein thought on this subject we shall have other opportunities of considering, and we have already observed that at an earlier time when he was only Finance Minister he had been impressed with the necessity, if only on financial grounds, of giving Prussia some sort of parliamentary constitution. But as he was not allowed time during his dictatorial ministry to realise these views, so little information remains to us about the deliberations on the subject, which were broken off by his retirement. He tells us that "several plans had been submitted to him;" of these only one has been preserved, the author of which was his old friend and successor in West-

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phalia, Vincke. From this paper I extract here whatever is most instructive. Stein's remark about the resistance or at least coldness shown by the people when sacrifices were required in consequence of their want of representation, might have been suggested by the following:

Never was the want of well-constituted Estates more painfully felt than in the late unhappy time, in the Provinces which either were not provided with them at all, or in which they were ill composed, or their practical influence had been quite destroyed; particularly when the Local Administration on its side was not equal to the occasion, and could not promptly and suitably reorganize them so as they might have been most useful to the district in the new circumstances, but continued the old feud with new vigour for fear of losing something of their imagined estimation.

He asks the question whether representation is reconcilable with monarchical institutions, and replies that a Monarch who is conscious of high aims and does not reduce everything to money and soldiers, in fact that a *Prussian* Monarch will neither fear nor be ashamed of the cooperation of the best and highest forces in the administration of the State; and he points to the contrast, at that moment so striking, between England and France, remarking how even under a declining ruler England, because she had a representation and a public opinion, maintained herself alone against Napoleon, who, on the other side, could never hand on his power to a successor because he had not given his State a constitution, and how the English King's power, though restricted for evil, was very great for good. He then comes closer to the actual circumstances of Prussia, which he paints clearly in a few sentences.

In the Prussian State we were accustomed to divide the inhabitants into three different classes, Peasants, Citizens, and Nobles; sometimes we added the Lords (Standesherrn) as owners of the larger estates, to which were attached some sovereign Rights, and the Spirituality, which was represented only by the members of Chapters, Abbots, Spiritual Orders of Knighthood, and Universities. The two latter (*i. e.* Citizens and Nobles) might for the future disappear as separate classes; the establishment of unlimited free trade will remove the distinction between Town and Country; they will cease to regard each other as enemies, and have for the future a common interest;

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hereditary serfdom is abolished; the way is open for a free circulation of landed property, which will favour the increase of the small free landowners; the Noblesse is cut adrift from the monopoly of large landed Estates and permitted to enter into trade: its preferential right to officers' posts is at an end; if compulsory military service should be introduced again it will be extended to all inhabitants; patrimonial jurisdiction and *privilegia fori* will have to go too, as well as exemption from taxes where it still exists, though no doubt with compensation. Thus of the old characteristic marks of noblesse which distinguished it from the other classes there remains (for good or ill, that is nothing to the purpose) nothing beyond titles and coats of arms, mere rank which cannot serve as the basis for a representative system, and we are not bound by any considerations of rank in civil society in determining who are the most serviceable men for speakers and popular representatives.

He adds that property may still be the basis of representation, as in the ancient Germanic system; only personal property, as well as real, must now be recognized. He goes on to compare the systems of representation which had been established in the Napoleonic States (under which, he says, "the Government represents itself") with the English form, which in itself he infinitely prefers, but which, he holds, cannot, be reproduced in Prussia.

A Parliament with two Chambers cannot be created where the nobility has so little property, such small estates, and where there is such a multitude of poor nobles; moreover, considering the geographical considerations and the slight consolidation of the country, States General will not suffice: there must be Provincial Estates for each of the six principal divisions into which the territory falls under the Treaty of Tilsit.

The scheme which he proceeds to sketch is not so bold as that which Stein indicates; the latter, indeed, would seem based on universal suffrage, unless we are to suppose that it is only Provincial Estates and not States General in which he regards every active citizen as having a right to representation.

If we compare this paper with Stein's Testament, we see that the minds of Stein and Vincke are occupied in general with much the same thoughts. Beside a national representation, both are thinking of the abolition of patrimonial jurisdiction, and of the way to remove the abuse of an excessive number of poor nobles.

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We learn from Schön that the necessity of abolishing patrimonial jurisdiction became apparent to those who were studying how to introduce representation. Among these he mentions particularly Rhediger, a man hitherto unknown, who had lived in retirement on his estates in Silesia, but inspired with enthusiasm by the Emancipating Edict had come to Königsberg to take part in the great work, and was found to have an exhaustive knowledge of everything connected with representative institutions. According to Schön the question was left principally in his hands; but it was soon found that it was a necessary preliminary, before a true popular representative could appear in a popular parliament, to create a completely independent class of people who should look up to the Sovereign alone.

Thus we saw the necessity of the abolition of Patrimonial Jurisdiction, and of the so-called Lord's Right (*i. e.* the Right of the landowner, his police authority bought and sold with the estate). As this outgrowth of feudalism was abolished under Cromwell, as the same thing happened in Scotland at its union with England, as in France the abolition took place at once at the Revolution, as Napoleon abolished it along with the Constitution in all countries where he set up client sovereigns, so was this obsolete relic of feudalism to be swept away in our country too. Till now the noblesse exercised a part of the sovereign power through patrimonial jurisdiction and the Lord's Right, the noblesse alone were landowners in the full sense, and thus a part of the sovereign power was in the hands of particular families. The Edict of October swept away this exclusive right of property in land, the territorial aristocracy was swept away; patrimonial jurisdiction and the Lord's Right, as involved in it, was now to go too. Henceforth law was to be administered only in the King's name, only in the King's name was an act of sovereign power to be performed.

He goes on to speak of the pamphlets that were written to prepare the public mind for this change, and particularly of that pamphlet by Scheffner, a dialogue between a Count, a Baron, and a Steward, which being sent by Schön with a letter to Professor Schmalz in Berlin brought the Professor into trouble, as has been related above.

It would be interesting to learn in detail in what way Stein proposed to reform the noblesse. Conducting in Prussia a Reform which is parallel to the Revolution in

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France, it was manifestly a great difficulty to devise any plan by which class privilege could be rehabilitated. And yet, as we see by the words of the Testament, he did hope to do this. While he most clearly perceived that the noblesse could not continue in its old estimation, deprived of its monopolies of landed property and of official service: he still believed it possible to retain what was valuable in the old institution. He hoped in some way to destroy its isolation, "to unite it with the other Estates," and yet still to preserve, and in a higher degree than hitherto, "the memory of noble actions which deserve immortality;" that evidently means, to preserve the institution itself. Pertz, however, has not been able to find the papers which Stein left behind him on this particular scheme, and it will be convenient to defer to a later chapter the consideration of his views on the privileges of the noblesse.

The programme laid down in Stein's Testament was in part carried into effect by succeeding Ministers. It is the glory of W. v. Humboldt to have made in the next year an educational reform such as the Testament describes. The War of Liberation brought with it the universal obligation to military service. The national representation and the abolition of patrimonial jurisdiction and police came also, but not till another generation had passed; they were among the acquisitions of the great legislative period that followed 1848. As we said in speaking of Hardenberg's Testament, it is comparatively an easy thing to make sweeping suggestions; the measure of the statesman is given by what he accomplishes. But the plans mentioned in Stein's Testament were not, like those in Hardenberg's, mere suggestions; most of them had been already taken in hand and pushed through some preliminary stages. That the Minister had both the courage and the power to carry them into effect could not be doubted, when it was considered what vast reforms had been already completed by him. In spite of bitter opposition from some classes, his popularity was great and commanding, and I think it clear that he had

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acquired the steady favour of the King in spite of his imperiousness. In order to understand the vastness of the fabric he was piling up, of which, as it were, only the ruins have been the foundation of Prussia's modern greatness, we have to imagine one event to have turned out differently. Let us suppose that the King could have been brought to adopt the war-policy and, what would have been the necessary consequence, to refuse to part with Stein. In that case the year 1809 would have witnessed at once the completion of all that Stein meditated, and a mighty War of Liberation besides. In the midst of an upheaval of all Germany parallel to the upheaval of Spain in 1808, Prussia would have acquired at once her universal obligation of military service, her Landwehr, and her National Parliament, while her noblesse would have been re-baptized in the blood which would have flowed where Scharnhorst and Gneisenau came to the help of the Archduke Charles.

How closely Stein hoped to blend reform and war appears from a proposal which he threw out in consultation with some of the leading military men, from one of whom, Boyen, Pertz had the story. He suggested that at the commencement of hostilities the King should proclaim all nobility to be in abeyance, and that he would only recognize the titles of such nobles as should distinguish themselves in the war.

The 24th of November was the day on which Stein ceased to be Minister, but he remained at Königsberg till December 4th. During this time we find him petitioning the King that the Order of the Black Eagle may be given to Minister v. Schrötter, whose office of Minister for the Prussian Province was to be swept away by the Administrative Reform, and upon whom as Minister of the Province which had given occasion to most of the great Reforms, particularly the Emancipating Edict and the Town Ordinance, a very large proportion of labour had fallen. On the other hand, Stein's warm admirer Scheffner, shocked at the apparent disgrace which accompanied his fall, petitions the

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King that the very same honour may be bestowed upon Stein, declaring that "all the just-thinking part of the nation are pained to see so noble and profoundly skilful a statesman driven from the King's side by the lying tales of wretched, envious,—not foreign people." The King replies that at the moment it would be in the highest degree impolitic to show Stein any mark of honour, and at the same time indignantly, and as it seems to me truly, denies the truth of the charge which Scheffner had insinuated against him, hinting that it was not the Berlin party but Napoleon who had overthrown Stein. He declares that "only false patriots and people either ill-disposed or exceedingly ignorant could interpret Stein's dismissal, which was caused by an urgent political necessity (*i. e.* by Napoleon's will), in such a manner."

An official at Königsberg, well known to us as not overpartial to Stein, viz. Schön, kept a diary between November 29th, 1808, and January 6th, 1809, which has been printed and which may help us to picture the condition of things at the moment after Stein's fall. It begins with that explanation of the occurrence which has been quoted above. "The Court tolerated him as long as there was danger. The aggrieved diplomatists, accustomed to rule everything, concealed their spite at being subordinated to the Interior. The old aristocrats were silent so long as they feared France more. But from the moment that a settlement was made with France, they determined on Stein's fall, &c.,&c." This is the account which I have given reasons for disbelieving. He closes it by saying, "The malcontents were few, and there were thousands against them, but the voice of the thousands did not reach the King." Then follow some notes which will interest us:

Nov. 30. Visited Stein. He is quite composed. He knows now the people that played him false. Sack had written to him that Voss had declared my letters to Schmalz about the abolition of Patrimonial Jurisdiction to be revolutionary. So they are, but against King Voss and Co., not against my lawful King.

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The ridicule of the new Ministers Dohna and Altenstein increases. People sneer, truly enough, that they would never have been chosen if the one were not a Count and the other a Baron. After all, at the moment there were no others to choose. People were wanted who without having taken Stein's side would not directly counterwork his plans, at least not deliberately. Altenstein indeed might do it out of hatred to Stein: Dohna will do it out of weakness. . . . Stein has proposed me for Minister of Finance. His proposal is the greatest honour I could receive. The King did not want me, and at the same time I begged Stein to withdraw his proposal. Without Stein I could not succeed: I should have been ridiculous.

December 1st. In the evening we were together at R's. Stein was irritated with Altenstein on account of his arrogant behaviour.

Schladen said to me to-day that every one was angry at Stein having proposed Beyme. Scharnhorst and I are responsible. It is necessary. Yes! if Beyme were the devil; for we want force, and that he has, and his faults will disappear when he may act openly and no longer behind a curtain. He is a man, and that is more than Golz, or Dohna, or Altenstein are.

December 2. A visit to-day from Scharnhorst, a cunning man in his way. A singular person, full of power under the appearance of weakness. . . . At Auerswald's in the evening. Stein, fine fellow! tries everything at once to move me to stand by Dohna. I shall do my part, but the thing will hardly do! I fancy there are negotiations between Stein and the Queen through Gneisenau. . . .

December 3rd. Noon. At Scheffner's with Stein, the new Ministers, and the Schrötters. All signs show that the time of weakness is beginning: Dohna shrinks from everything disagreeable. This evening he had a conference with Nagler at his house. A good beginning! And I am to stand by him! Hardly . . . My wife asked Countess Voss to-day why she avoided her. She vowed she had nothing against her or me. But how can the lady help being false? she has been 60 years at the Court. Her intimate N(agler) will no doubt do his part.

Dec. 4. Visited Stein. He was very ill satisfied with his high conversation of yesterday (with the Queen?). Never yet had a Minister the popularity that Stein has. There is a universal enthusiasm for him. God help us! He wants me to stand by Dohna. Well, I will, because he wishes it. . . . Stein made a mistake in wishing to put a Frenchman (Ancillon) instead of Delbrück as tutor to the Prince. That that plan is frustrated is the only good consequence of Stein's fall.

Evening. My mind so restless, so excited. I could dream so pleasantly, and all is lost.

Dec. 5th. Stein left. I looked after him. He takes much with him, the attachment of all right-thinking men. Stein sent his farewell (*i. e.* the Testament). It contains everything, and the great man makes an exit worthy of him.

Fate seems to think a further humiliation of Prussia necessary. Accidentally Hardenberg, the good, extremely good, but at times weak Hardenberg, must be at Marienwerder, when Dohna was summoned, and he recommended

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to him his domestic private tutor (Hofmeister) N—. Dohna now, full of Hardenberg, takes his tail for him, mistrusts what Stein said, and is guided by N—. Stein must have heard much about this man from the Court people, for his exasperation against him was surprising.

Dec. 6. G——u (Gneisenau?) told me Hardenberg had advised the King not to promote me. I regard his advice as that of a good man, though the motive of it was weakness. Nagler and Altenstein, really only the former, suggested it, but in fact I am altogether unsuitable in times like these for a high post. My way of thinking is too much out of tune with that of the generation which rules now. Ten years more must pass before I suit the times. Heaven watches over me!

Dec. 7th. All business standing still. This evening Nicolovius told me at the concert that the King and Queen's trip to St. Petersberg is settled. God help us! that our King, for the most part so just and good, should have no true friend to tell him the truth, and whom he regards enough to take it as such.

Dec. 8th. Scharnhorst is attacked directly to-day by Kalkreuth through Köckeritz. The man still hopes that necessity will keep us right, and so means to stay. A fine fellow!

Dec. 9th. Public affairs excite me so that I am afraid of getting a nervous fever. This evening I called on Dohna—the Minister—Lord help us all!* The man seems quite possessed by Nagler and Altenstein. He has a nervous dread of speaking to any one else about anything. He trembles at every name that he names, and is in a fright for fear Altenstein may not think the same.

Dec. 10th. To-day I receive the information that I am Privy Councillor of State, but for fear I should be proud Nagler has arranged it so that I am informed of it not by the King, but by the two Ministers. Besides the Council of State is suspended. Dohna and Altenstein rule the State! What Stein did not think himself equal to is undertaken coolly and confidently by Altenstein and Dohna. Hardenberg besought all who were around him to stand by him; Stein declared, "I have tried it alone, and nothing great can be done. I must have help"—he creates the General Department and the General Conference that he may have assistance, and experience proved the goodness of the arrangement. And these gentlemen undo it all. By themselves they are enough, quite enough!

Dec. 11th. A visit from Klewitz, a fine, sincere fellow. He read me what he had written to the new Ministers about the suspension of the Council of State and their behaviour towards him and me. He has spoken out like the fine fellow that he is. I shall say nothing; my speaking would ruin all, and so he thinks. He was inspired in writing by Stein's spirit!

* "Abends besuchte ich Dohna—den Minister—Gott stehe uns bei!" The translation is suggested by a very parallel passage in a letter of Canning about Addington. "Of his general moral character, &c. it is impossible to doubt. . . . but as to his fitness to be Minister, Lord help us all!" Stapleton, *G. Canning and his Times*, p. 69.

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Nicolovius, Rhediger, Röckner—they are all sad. They have all given up hope. The King's journey to St. Petersburg makes a painful impression. That the good, *intelligent* King, the man who sacrifices life and all to his people, should have let himself be so far misled!

Dec. 12th. If I were asked to classify the people in the Prussian State I should propose the following classification. (*a*) The old aristocrats who only care about themselves and want to keep the King as one of themselves. The State may go, for all they care, so long as the land-system remains. They use the French as weapons in their war. . . . These make a regular party. (*b*) The people who love King and Country, who want us to be a nation and the King to be a king. They want to sweep away what made us unhappy. They are no party, for they neither have nor want any association, and they count all petty proceedings unworthy of them. (*c*) The eclectics who want to keep themselves in the public service though they have a dim perception that they are not worthy of it. They make a close faction, resort to the most vulgar tricks, and are a thoroughly shabby set. . . . Baron Rhediger, the enlightened and subtle Silesian, visited me. He is indignant at Altenstein's opposition to Stein. Stein was terribly hard on him, because he behaved improperly towards him, but this sort of revenge is really too bad! . . . The man is much sunk, he had always a touch of craft, visible in the background, but now that he is the weak tool of N— he falls altogether.

Dec. 15th. Gneisenau is a man for great deeds. He has both vigour and cultivation. A man of heart and head! Of all the military men we have, assuredly the one I would most willingly entrust an army to!

Dec. 20th. The State is forgotten, we live entirely in the journey to St. Petersburg.

Dec. 21—29. Things go on as before. Not a word more of the great Stein views. Petty patchwork, and making the fortune of individuals by giving them places! Fine work for a Minister! . . . Stein is blamed for not having been secret enough. Well! that is natural, for cunning must hate frankness, or it would be nothing. The great man despises such miserable views. That Stein could be secret follows from this, that he has not fully opened himself to any one. To me most, but not completely by a great deal. But it is too degrading to the great man even to think of defending him against such insects.

On the 27th the King and Queen left for St. Petersburg. Scharnhorst went too with Prince Wilhelm. . . . The King hands over the Government to Minister Golz, Dohna, and Altenstein. Stein never enjoyed such confidence, on the contrary he was feared.

Dec. 30th—Jan. 5th. Letters from Beyme and Stein. Both seem dissatisfied with what has happened. The former sticks to his opinion that Stein was not the man to help us, and to make this clear to all the world he has involved himself with that Satan, V(oss). Pique against Stein has influenced him here as it often does, and as it influenced Stein's proceedings against him. But he will give up V(oss); he is doing so already. He has too much force not to know weakness when he sees it. He is to be here in four days.

The letter of Stein's here mentioned runs as follows:

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Dec. 26th, 1808.

Your friendly letter of the 19th I have had the honour of receiving. I am glad to see the Department of Trade placed definitively in your hand, but am not a little surprised to see the Council of State suspended instead of being put in activity and used for the discussion and settlement of several acts of general legislation...and that some provisional measures are not adopted to appease the public creditor, &c. You will be pleased to hear that in a representation to the King from the Glogau Estates, which is to be laid before him on his return, they say that his Majesty is entreated to make us all happy by a new Constitution adapted to present circumstances, tested before the whole nation and received with joy, and by the introduction of a Representative System.

We must support and strengthen the good Dohna. His brother Fritz and H. v. Reder, a very able cultivated person, influences him beneficially and strengthens him. I do not believe that Minister Hardenherg has worked against you, I know he values you highly.

I am troubled by A(ltenstein)'s behaviour. His vanity is enough to account for anything; a shallow, crafty, adroit N(agler) is an excellent instrument to work on it, and work on it he will, and maintain himself by means of it.

I shall stay here till the middle of January; by that time much will be cleared up, and then I shall go to Breslau.

Remember me to our honest friends Scheffner and Hufeland, and keep your friendly feelings towards me; you may be assured that mine towards you are unalterable.

Schön's diary throws a more vivid flash upon the scene of Stein's labours just at the moment when they came to an end than any other document throws upon those labours while they were proceeding. These notes bring to light the bitterness that reigned between Stein and Altenstein, a fact of which we should be glad to know more, and the contempt which Schön felt for that Dohna whom he extols so much in chronicling this very time. But the most curious discovery which the reader makes from them is, that Schön regarded his chief at the time of his fall quite otherwise than as he regarded him when he wrote his autobiography and many other late reminiscences of Stein. We have seen all along how disparaging those reminiscences are, and perhaps the reader may have thought, in spite of all the arguments which have been urged above against their trustworthiness, that after all they reflect the plain prosaic feeling which Stein's colleagues entertained towards him while he was

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among them, and that the notion of his being a great or extraordinary person was an afterthought suggested by the vast amount of reform which, owing less to him than to those colleagues themselves, was accomplished for Prussia while he was Minister. Such a notion, in itself plausible enough, is refuted once for all by this diary. It shows us that while Stein was present he appeared to his colleagues a great man, and that the *after-thought*, and that only the after-thought of one of them, was that there was really nothing so very remarkable about him. In these notices there is scarcely a word about Stein which is not in the highest degree enthusiastic; and not a single word has been suppressed in my extracts which has another character. Particularly it should be noted that Schön's own relation to Stein appears in this diary wholly different from what he afterwards represented it to be. Stein is not merely a great man in so far as he carries out with wonderful energy the ideas of his philosopher Schön, who not only is, but is generally understood to be the more important man of the two; so Schön was used in after days to represent it. In this diary Schön describes himself as insignificant in comparison with his chief—"without Stein I should be ridiculous"—and at the same time he describes himself not at all as Stein's teacher, but rather as his pupil, "He has not fully opened himself to any one; to me most, but not completely by a great deal."

It is of special importance to note this just here, because Schön has founded one of his strangest pretensions to appropriate the fame of his chief upon the events of these days. It appears that Schön was commissioned to draw up for Stein his Testament. The words of that Testament are in the main his; Stein only made a few corrections in his draught; and Schön gives us to understand that this was because the ideas were his and not Stein's, and Stein could not trust himself to give expression to them. I believe that the reader, after reading the Testament itself and Schön's diary, in which the receipt of the Testament with Stein's signature is recorded, will see for himself the quaint ab-

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surdity of this pretension. What is the Testament? Is it an eloquent political pamphlet full of reasonings worthy of a Burke or a Montesquieu? If so, doubtless it is an important fact that Schön was charged to write it. But it is only a list of measures which Stein had been prevented from completing during his Ministry. These measures had occupied Stein's attention for some time, and it could not have been very difficult for him to enumerate them, or even to give the reasons why they should be adopted in the extremely curt style adopted in the Testament. Evidently the reason why Stein did not write the Testament himself was not because it was too difficult, but because it was too easy. All that it was necessary for him to do was to see that no ill-chosen or improper word was allowed to creep into a document signed with his name. It would also be desirable that the style should be in some degree characteristic of him, that is, that it should be terse and grave, but Schön was clever enough with his pen to know how to assume his master's style sufficiently well. The importance of such a document was in itself very great, but it lay wholly in the matter and in the name signed to the matter, scarcely at all in the style. That the name of Stein should be signed to a proposal to create a Parliament in Prussia was an event of the greatest moment in the history of the country, but in what words the proposal was expressed, so long as they were proper words, was of very trifling importance.

The Diary shows us at the same time the melancholy condition in which the Government was left by Stein's departure. His reign had been short, and the character of the Prussian Government was not such that the greatest man could in a single year reanimate public life. A Chatham might do this in England by electrifying speeches heard in an open Parliament and reported, if imperfectly, over England; but Stein, as we have seen, had scarcely any means of working on the public mind. The Emancipating Edict had indeed produced a profound impression, but such acts could not often be repeated; the Town Ordinance was the only *coup* of similar

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magnitude which he had had time to strike. He had made a most promising commencement, for the "universal enthusiasm for him" which Schön's Diary describes was precisely what no Minister before and no Minister after him —Hardenberg as little as any—was able to inspire. But it was only a commencement, and accordingly, when he departs in December, 1808, the same melancholy scene opens again as had preceded his entrance in September, 1807, with the single difference that there was then the prospect of a change for the better and now there is no such prospect. A pitiful sense of weakness overpowers the officials. Stein finds no successor. Altenstein appears to have been one of those learned theorists of whom the age was so unprecedentedly fruitful; he became in later times the principal patron of Hegel and gave to his philosophy that official stamp so all-important in Prussia. Dohna shows himself entirely helpless. Beyme, the bugbear of Stein and Hardenberg two years before, now stands out as the only Atlas that may save a sinking State. That this despondent view was not confined to Schön, but was shared by Stein himself, appears from a note of December in the Diary of the Westphalian Vincke. Stein himself had summoned him from Minden in November. He had received in Berlin the news of Stein's resignation, and had written, "What a flood of terrible news, and among them the most wretched of all, which quite puts me off my head, Stein's retirement! In spite of his faults, which are all plainly written in the unhappy letter, he was a noble and excellent man, and as a Minister not to be replaced in the period of complete necessary transformation of the Government." On Dec. 7th Vincke started for Königsberg, but his carriage broke down at a place called Hochzeit. While he was waiting here who should arrive but Stein himself on his way to Berlin! Vincke notes,

I had the happiness of passing an hour with this admirable man, who drags down in the consequences of his unfortunate rashness not so much his own fortune as that of the State; but *what I heard from him in his haste made me very unhappy*, and disturbed my mind so that I regretted having begun my

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journey, which however he fully approved. I did not succeed in inducing him to give up the journey to Berlin. *When shall I see him again?*

He might well ask this question, for what was the object of Stein's journey to Berlin, and what were his plans for the future? We remember that in the course of the summer he had acquired a house in Berlin. His wife and daughters were now there; still we can understand that Vincke would hear with some alarm that the fallen Minister was about to repair to the town where the party which was believed to have caused his fall had its head-quarters, and where the French authorities would have him within their reach. To these considerations Stein would no doubt answer that he did not intend to remain long at Berlin, for he tells us that his intention was to take his family to Breslau, where it appears the Bishop placed a house at his disposal. It does not seem to occur to Schön—judging from his Diary—that Stein incurred any danger by going to Berlin in the character of a private person. As we have seen, the Prussian officials, confused by their strong party feelings, misunderstood Stein's position. They do not seem to imagine that Napoleon has or can have any personal feeling against him, but suppose him to be only in danger from the malicious suggestions of the Berlin party who simply wanted his place and salary. With this view it was perhaps natural to think that he would not be persecuted further, when once he had retired into private life. But on the other hand it was evident that Napoleon, if he had some real sense of Stein's dangerousness, would not be content with depriving him of office. For how was Stein likely to employ himself in private life? He knew that a war between France and Austria was at hand. He had been engaged for some months in trying to force Prussia to take a part in this war. He was in connexion with the discontented party all over the Monarchy and hand-in-glove with Scharnhorst and Gneisenau at head-quarters. Now that the burden of civil business was off his shoulders, how was it likely that he

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would employ his leisure? It is easy to interpret the somewhat vague words in which he himself describes his intentions. "My intention was to await at Breslau with my family the occurrences which were expected to take place in 1809, and *then to act according to circumstances*." But Stein himself and his friends were surely mistaken in supposing that in the eyes of Napoleon he was a mere insect, whose movements were not worth attention. He was evidently the most considerable person both for station and character who had yet joined the slowly gathering party of European resistance. Popular risings might have little chance of "resisting our eagles," but at least they could give a great deal of trouble, and such a rising all over North Germany in the spring, when Napoleon expected to have Austria on his hands, would at least be a diversion which it was desirable to prevent.

Stein's feelings at the moment of his fall are expressed in a letter to the enthusiastic Princess Wilhelm, who, apparently in despair at his retirement, had declared herself resolved to live henceforth in solitude. He entreats her not to do so, and affirms that

> though the medley of pitiful passions with officious tittle-tattle is deeply disgusting, yet my latest experience has convinced me of the existence of admirable and excellent qualities, of reviving patriotism, and of readiness to sacrifice all to this principle. I have received from persons from whom I had no reason to expect it the most touching proofs of faithful devotion and love to the good cause, and to myself. Assuredly the efforts of the good and strong are not lost; it is still true that
>
> the firm patriot. . .
> Who made the welfare of mankind his care,
> Though still by faction, vice and fortune cross'd,
> Shall find the generous labour was not lost.
>
> *Cato*, by Addison.

And in a postscript he goes on,

> When vice prevails and impious men bear sway
> The post of honour is a private station.

He found Berlin in a most critical moment of transition.

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By a decree of October 12th the French army in Germany had been completely transformed. The Grand Army had been dissolved, and the troops left in Germany had been reorganised under the name of the Army of the Rhine, to be commanded by Davoust. It was to consist of four divisions, one of which had its head-quarters at Stettin and furnished garrisons to Stralsund, Stettin, Küstrin, and Glogau, another was placed at Magdeburg, another in Hannover, another at Halle and Halberstadt. This change involved what was called the evacuation of Prussia, and the last French troops had quitted Berlin on December 3rd, about a week before Stein arrived there. Two days before his arrival Schill at the head of his troops had entered the capital in a kind of triumph. It was assuredly a somewhat serious matter for the French ascendancy in North Germany, that within ten days Berlin should be evacuated by their troops and should be entered by Schill and by Stein. We learn little of the way Stein occupied himself after his arrival, but we are told that when Eichhorn set out for Mainz in order to receive the Prussian prisoners, which were now to be restored, he was instructed by Stein as to observations which were to be made in those parts, and was entrusted by him with confidential letters. About the same time Stein wrote as follows to the Princess Louise:

> The internal administration is completely at a stand, the old official bodies dissolved and the new ones not yet formed or set in motion, while intriguers like H. v. Voss, v. Hatzfeld and the others bestir themselves on all sides and maintain themselves in the posts they hold against the declared will of the King. Not by any means a pleasing picture, but true.

Napoleon had been satisfied in 1807 with driving Hardenberg from office, but he showed his sagacity now in not allowing Stein to escape so easily. By ceasing to be Minister Stein had become in some sort more dangerous than before, for he passed over, as it were, into the secret organisations

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with which as Minister he could not closely connect himself. On the other hand, he came somewhat more within the reach of Napoleon's power, for he could now be struck without inflicting so direct an insult upon the King, and through him upon Napoleon's ally, the Czar. We are told that when Eichhorn in his journey presented himself before Davoust, then called Duke of Auerstädt, and the Commander-in-chief under the new arrangement of the French forces in Germany, Davoust after referring him to his Chief of the Staff for the business on which he had come, asked him the question, "Where is H. vom Stein?" and on Eichhorn replying that he did not know, said, "You know well enough, but you will not say."

In the Napoleon Correspondence appear five documents issued by the Emperor from Madrid on December 16th, 1808. He writes to his Foreign Minister, Champagny, about Frenchmen entering the Neapolitan service without his permission; to Cretet, Minister of the Interior, about a fountain at Paris; to Fouché, Minister of Police, about the disposal of the Secret Service Fund—"I have only granted 60,000 francs to the Governor of Paris; to give him more would be to throw money out of window." Then follows a decision about a junction of Hessian troops with Polish—"no," says Napoleon, "Poles must be with Poles, and Germans with Germans." Next comes a letter to "Eugène Napoleon, Viceroy of Italy, at Milan," enclosing a circular to the Italian bishops, which announces successes recently obtained in Spain by the valour principally of the Italian troops, and enjoins the bishops to "summon our peoples of Italy into the holy churches to sing the Te Deum and offer the other prayers appropriate to the circumstances, and to ask of God, of Whom are all things, that he continue to bless our arms and keep from the Continent the malignant influence of the English, alike enemies of all religion and of the repose and tranquillity of all nations."

But why is not the following document printed too, since it was signed on the same day?

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DÉCRET IMPÉRIAL.

1. Le nommé Stein cherchant à exciter des troubles en Allemagne est déclaré ennemi de la France et de la Confédération du Rhin.

2. Les biens que le dit Stein posséderait soit en France soit dans les pays de la Confédération du Rhin seront séquestrés. Le dit Stein sera saisi de sa personne partout où il pourra être atteint par nos troupes ou celles de nos alliés.

En notre camp impérial de Madrid, le 16 Décembre, 1808.

(Signé) NAPOLÉON.

A new French Ambassador, St. Marsan, arriving at Berlin in the early days of 1809, brought this decree with him. "He sent," so Stein himself tells the story, "H. v. Goldberg, an intelligent and friendly Dutchman, whose acquaintance I had made in 1808, to me with Napoleon's Decree of Proscription, and information that he had orders to break off all political relations with Prussia if he found me still in Berlin, but that if I departed at once he would regard me as already absent."

This decree, as I have pointed out, had been hanging over Stein's head ever since September. If anything more were necessary to show that it was not suggested to Napoleon by Prussian intriguers, but was devised independently by himself, I might point out the exceeding judiciousness if not urgent necessity of some such measure in Napoleon's interests. The struggle which awaited Napoleon in the spring was more serious than any which he had yet undergone. The submission of the Prussian King had indeed given him a great advantage; it had saved him from the imminent danger of a universal uprising of North Germany against his yoke. But such an uprising was still possible; Spain had shown in 1808 that there are cases where a nation does not wait for orders from its Government. As a matter of fact partial uprisings did take place in the spring. Schill marched out of Berlin, seized Stralsund and found his death in it, Dörnberg raised the standard of rebellion in Hessen, Brunswick made his famous march. It is not easy to believe that a man of Stein's active temperament, had that crisis found him living in freedom and honour in the bishop's

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palace at Breslau, would have attempted nothing. And passionless as the North Germans had hitherto shown themselves, they might at that moment have listened to the voice of Stein. That voice, as we shall see, set Prussia astir in 1813 before the King had spoken; it might have done so in 1809. And we may fairly suppose that Napoleon was not blind to the possibility.

Hitherto Stein has sacrificed nothing more in the public cause than his quiet. He has laboured indeed, and has risked his health, but the evils of the dark time have not touched him personally. The misfortunes of Prussia have not disturbed him in the enjoyment of station, rank and property. In a moment now his prospect suffers a complete change. He is a ruined man. His estates, lying both within the territory of the Confederation of the Rhine, the one at Nassau, and the other in the Duchy of Warsaw, could not be protected for a moment from the tyrant. His official salary had been lost before. And he was not like other ruined men, who can at least try again; the earthly omnipotence that had decreed his ruin would be watchful to forbid his retrieving it.

But he was not merely ruined, he was also in extreme personal danger. According to Niebuhr Napoleon wanted Stein's life, and the forbearance which allowed him time to escape was due to St. Marsan personally, whom the King afterwards rewarded for it. That he was in Prussia, a country in which Napoleon had no legal authority would not protect him; he himself makes the remark that the order for his arrest ran in Prussia as well as in the territories of the Rhine Confederation. The Decree says distinctly that he "is to be seized wherever our troops"—not have a right to seize him but—"*can* seize him." And it seems that at all the stations of the French Army of the Rhine, at Erfurt, Magdeburg, Hamburg, Hannover, &c., this Decree was posted up, and thousands who in the political quietism of those days had known nothing of any Prussian Minister who was unlike other officials, now read of "the person called

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Stein," whom the great Napoleon, just as if the name Stein were not extremely common in Germany, supposed to be so universally known that he did not even add any description or address to assist the agents of his imperial justice. When two years before Frederick William's anger flashed out upon Stein as hastily as Napoleon's now, a friend said to him, "Now you belong to history!" If that letter from the King put Stein into Prussian history, Napoleon's decree introduced him in a moment into the history of Europe; it made his name a household word in Germany, and his biographer Pertz remembers that he himself, a boy of thirteen, then heard it for the first time. But assuredly the celebrity was as terrible as it was sudden and universal.

There was no time to lose. As through the whole period we see that the Prussian officials look either to France or else to Russia, Stein instantly thought of the Czar. He wrote to the King, begging that he would apply to Alexander for his intercession with Napoleon and at the same time asking permission to enter the Russian service. On January 5th he saw his friends for the last time, Sack, Kunth, and others, and in the night set out upon his lonely wanderings, comforted perhaps by the words of a certain officer, v. Röder, who said to him, "The French have robbed you of your inheritance; we Prussians must recover it with our blood!"

END OF VOL. II.

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